URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1998

AGENDAS
PLANNING & DEVELOPMENT
COMMITTEE

APRIL 14, 1998 ...



URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1998

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, 1998 April 14
6:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

URBAN MUNICIPAL

APR 22 1998

GOVERNMENT DOCUMENTS

AGENDA

1. **REFERRAL BACK FROM COUNCIL**

   Zoning Application 98-03
   Property at 243 Fennel Avenue East

2. **BUILDING COMMISSIONER**

   a) Demolition of 453 Ottawa Street North

   b) Commercial Parking Lot Control

   c) Hamilton Emergency Loan Program, 358 Barton Street East

   d) Ontario Association of Property Standards Officers Annual Education Seminar and General Meeting, McMaster University - 1998 May 24-29

3. **ADJOURNMENT**

PLEASE NOTE:
DINNER WILL BE SERVED IN RM. 264 AT 6 PM

Urban Municipal Collection
2nd Floor
Hamilton Public Library

1

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: J. J. Schatz
City Clerk
City Clerk's Department

OUR FILE:
PHONE: 546-2727

SUBJECT: **Zoning Application 98-03**
Property at 243 Fennell Avenue East

DATE: 1998 April 1

Council, at its meeting of 1998 March 31, referred back Section 7 of the **SIXTH** Report of the Planning and Development Committee as follows:

"7. That approval be given to amended Zoning Application 98-03, 1215443 Ontario Inc. (Ontario Pride Construction/Michael Bobiash), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette -Holding) District modified, to permit the construction of 13 townhouse units and 2 semi-detached units, for the property located at No. 243 Fennell Avenue East, shown as Blocks 1 and 2 on the attached map marked as Appendix "G", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

Submission of a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

Removal of the holding restriction shall be conditional upon the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment. City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

(b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified; and,

(c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 1, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10E(2), only a maximum of one semi-detached dwelling and a townhouse dwelling having a maximum of three single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(4)(a), for a townhouse dwelling a side yard depth of not less than 4.0 metres shall be provided and maintained for the southerly lot line; and,

(iii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than three single family dwelling units shall be attached in a continuous row; and,

(d) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 2, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 10E(2), only townhouse dwellings having a maximum of ten single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row; and,

(e) That no pedestrian or vehicular access shall be permitted from East Eleventh Street; and,

(f) That the building elevation drawings as submitted with a future Site Plan application for the subject lands be consistent with the height, scale, style, character and architectural details of the proposed dwellings shown in Appendix "H"; and,

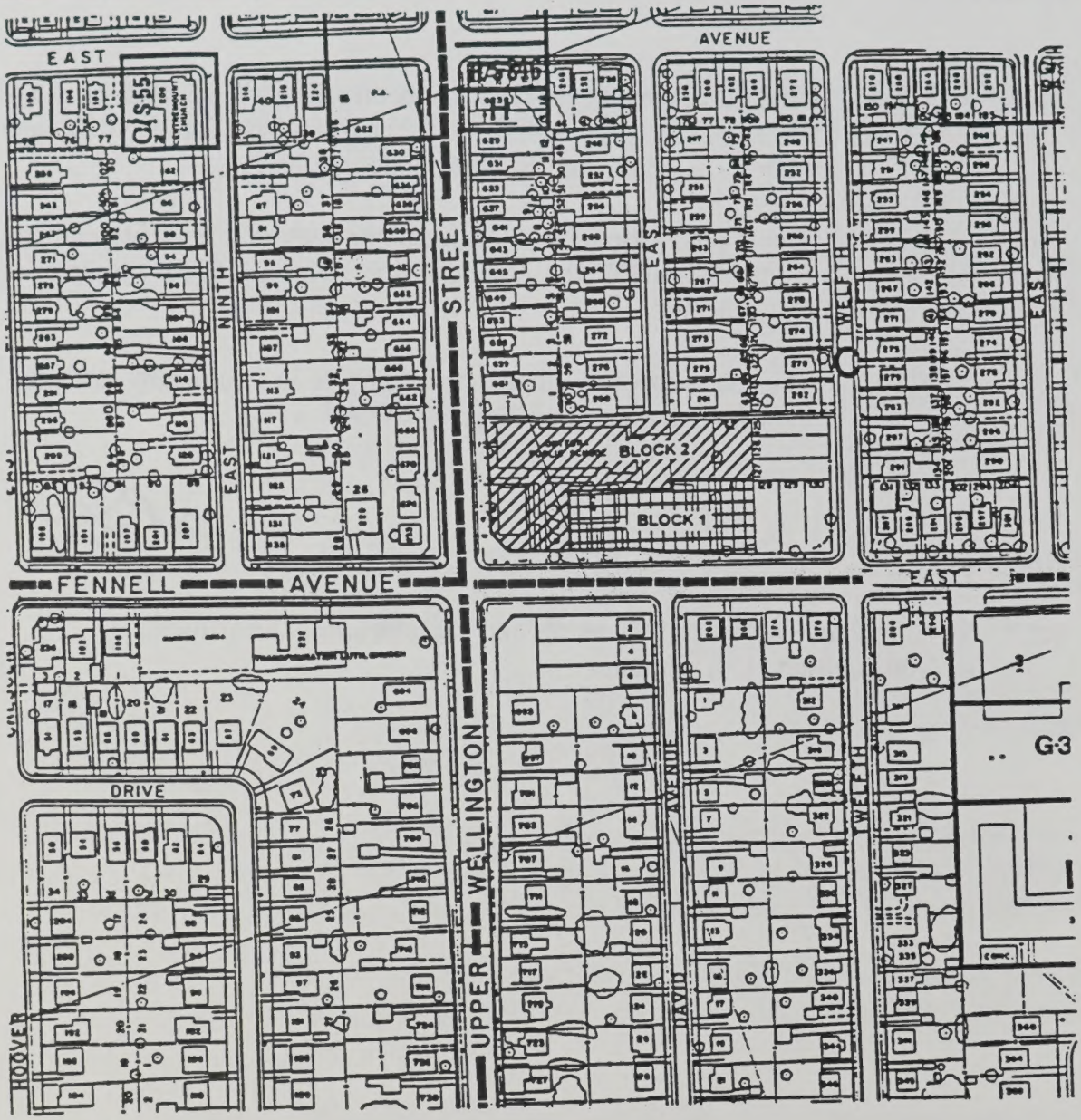
(g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1400, and that the subject lands on Zoning District Map E-16 be notated S-1400; and,

(h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-16, for presentation to City Council; and,

(i) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area."

JJS/TA/jt

cc: V. Abraham, Director of Planning and Development Department
P. Noé Johnson, City Solicitor



Legend

Change in Zoning From:

BLOCK 1 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - "H" (Townhouse - Maisonette - Holding) District, Modified.

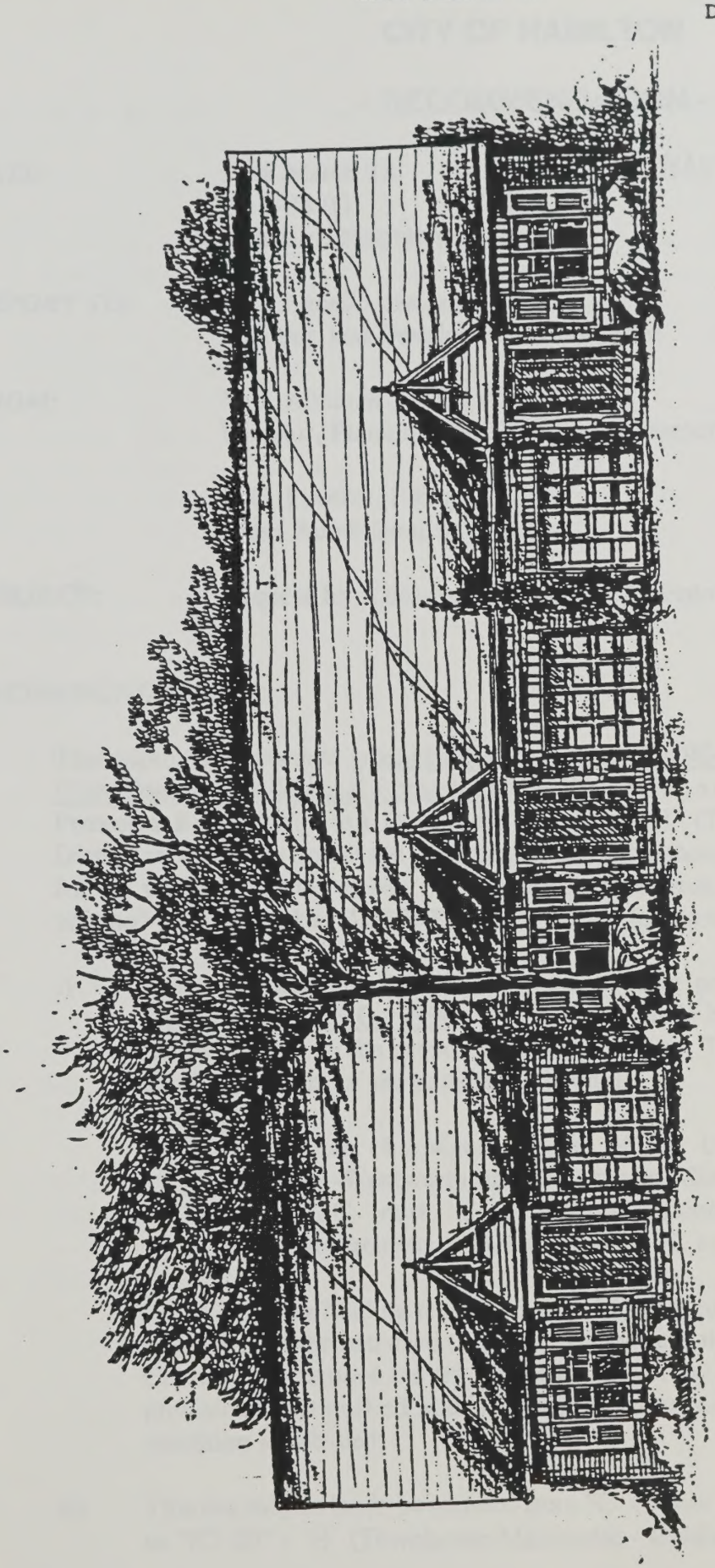
BLOCK 2 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - "H" (Townhouse - Maisonette - Holding) District, Modified.

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-03
	Date	Drawn By
	March, 1998	R. L.



ONTEORA Place

Approved as amended P+DM Fy 1998 March 25
Tabled Council 1998 March 31

7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 March 13 MAR 18 1998
ZAC-98-03
Inch Park Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: Request for a change in zoning - 243 Fennell Avenue East

RECOMMENDATIONS:

A. That approval be given to amended Zoning Application 98-03, 1215443 Ontario Inc. (Ontario Pride Construction/Michael Bobiash), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified, to permit the construction of 13 townhouse units and 2 semi-detached units, for the property located at No. 243 Fennell Avenue East, shown as Blocks 1 and 2 on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

1) Submission of a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

Removal of the holding restriction shall be conditional upon the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment. City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

ii) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified;

iii) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 1, be modified to include the following variances as special requirements:

1) That notwithstanding Section 10E(2), only a maximum of one semi-detached dwelling and a townhouse dwelling having a maximum of three single family dwelling units shall be permitted;

2) That notwithstanding Section 10E(4)(a), for a townhouse dwelling a side yard depth of not less than 4.0 metres shall be provided and maintained for the southerly lot line; and,

3) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than three single family dwelling units shall be attached in a continuous row.

iv) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 2, be modified to include the following variance as a special requirement:

1) That notwithstanding Section 10E(2), only townhouse dwellings having a maximum of ten single family dwelling units shall be permitted; and,

2) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row.

v) That the building elevation drawings as submitted with a future Site Plan application for the subject lands be consistent with the height, scale, style, character and architectural details of the proposed dwellings shown in APPENDIX "D";

vi) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-16 be notated S- ;

vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-16, for presentation to City Council; and,

viii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified, for lands located at No. 243 Fennell Avenue East shown as Blocks 1 and 2 on the attached map marked as APPENDIX "A".

The effect of the By-law is to provide the appropriate residential zoning to permit the development of 13 townhouse units and 2 semi-detached units.

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

Removal of the holding restriction shall be conditional upon the completion of the above noted condition. City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" District modified provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled.

In addition, a number of variances are required for each Block:

1) a maximum of one semi-detached dwelling shall only be permitted within Block 1;

2) a maximum of three single-family townhouse dwellings shall only be permitted within Block 1;

3) for a townhouse dwelling within Block 1, a side yard depth of not less than 4.0 metres shall be provided and maintained along the southerly lot line, where a minimum 6.0m is required;

4) for townhouses within Block 1, not more than three single family dwelling units will be attached in a continuous row, where eight are permitted;

5) a maximum of ten single-family townhouse dwellings shall only be permitted within Block 2;

6) for townhouses within Block 2, not more than four single family dwelling units will be attached in a continuous row, where eight are permitted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The amended application for a change in zoning is to permit the redevelopment of the subject lands for 13 townhouse units and 2 semi-detached dwellings. The conceptual development plan submitted is shown as APPENDIX "B".

LOT SIZE AND AREA:

The subject lands have:

- 105.44m (381.27 feet) of frontage on Fennell Avenue East;
- 59.26m (194.42 feet) of depth; and,
- 6,410.19m^2 (1.59 acres) of lot area.

APPLICANT:

1215443 Ontario Inc.(Ontario Pride Construction/Michael Bobiash), owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant school structure	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	Residential, single-family	"C" (Urban Protected Residential, etc.) District
to the east	Residential, single-family	"C" (Urban Protected Residential, etc.) District

to the west	Residential, single-family	"C" (Urban Protected Residential, etc.) District
to the south	Residential, single-family	"C" (Urban Protected Residential, etc.) District

***OFFICIAL PLAN*:**

The site is designated MAJOR INSTITUTIONAL on Schedule "A" - Land Use Concept of the Official Plan.

The following policies should be noted:

"A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan."

The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

There is no Approved Neighbourhood Plan for the Inch Park Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Regional Environment Department (Planning Division) has reviewed the application and has advised the following:

  "**Regional Comments:**

  The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (H.W.O.P.).

The subject lands contained a former school (i.e. Onteora Public School) where potential exists of site contamination. Since residential development is proposed for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P.

Provincial Comments:

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands contained a former school site, which has the potential for having site contamination, the application requires further demonstration of how it has regard for the following PPS policies:

3 Public Health and Safety

3.2 Human-Made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Also, the subject land is adjacent to the intersection of Fennell Avenue East and Upper Wellington Street, which are major arterial roads with potential vehicular noise impacts.

Therefore, the application falls within the parameters of the PPS, subject to the following conditions:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

2) That the owner agree to register on title the following noise warning clause for the proposed residential units:

"Purchasers are advised that noise levels originating from Fennell Avenue east and Upper Wellington Street may become of concern, occasionally interfering with some activities of the occupant." "

- The Regional Environment Department (Development Division) has reviewed the application and has advised the following:

"There are public watermains and separate storm and sanitary sewers available in Upper Wellington Street to service the proposed development.

The Regional Transportation Department, Roads Division have the following comments.

1. The designated road allowance width of Fennell Avenue is 26.21m. In accordance with this designation we recommend as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 13.11m from the centreline of the original Fennell Avenue road allowance. A portion of this widening was previously acquired by the Region by Instrument No. 188447 CD and shown as Part 42 on Reference Plan 62R-1628. The plans submitted by the applicant must be revised accordingly and all setbacks must be taken from the widened limits of Fennell Avenue East.

   The Region previously acquired a road widening on Upper Wellington Street varying from 2.51m at the north end of the property to 3.048m at the south end of the property. In order to provide for improved turning radii at the intersection of Fennell Avenue and Upper Wellington Street we require as a condition of development approval that the applicant dedicate to the Region sufficient lands, as outlined on the attached plan, for road widening purposes. Alternatively, the applicant can dedicate to the Region sufficient lands to establish a 12.19m by 12.19m daylight triangle from the widened limits of Fennell avenue and Upper Wellington Street.

2. We recommend that the subject lands be developed through site plan control at which time further detailed comments on access, grading, visibility triangles, fencing, pedestrian connections and landscaping, etc. will be submitted. All existing fences must be removed from the road allowance limits, as widened.

3. Any works which may occur within the adjacent road allowances, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Department of Public Works and Traffic has advised that:

"We have no objections to the proposed change in zoning from a "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District.

The applicant has submitted a preliminary site plan that indicates that there is insufficient manoeuvring space on-site to accommodate City of Hamilton's garbage pick-up. Therefore, the applicant should be advised that on-site garbage pick-up will not be considered."

- The Building Department has advised that:

"1. Every townhouse dwelling building must contain not less than three (3) single family dwelling units side by side and attached in one row.

2. The proposed building containing two (2) dwelling units is not permitted in an RT-20 District. A special requirement to permit a townhouse dwelling containing two (2) single family dwelling units only is required.

3. A townhouse development containing fifteen (15) dwelling units with garages in each unit must provide a minimum of twenty (20) parking spaces. The proposed layout only provides nineteen (19) parking spaces.

4. A minimum of five (5) parking spaces shall be signed "Visitors Only". The proposed layout only provides four (4) visitor parking spaces.

5. The maximum building height is three (3) storeys.

6. Each townhouse dwelling unit requires a privacy area screened on two sides having a depth of not less than 2.5m and a height of 1.2m to 2.0m."

- Heritage Planning has advised the following:

"Onteora School is listed on the LACAC (Local Architectural Conservation Advisory Committee) Inventory of Buildings of Architectural and/or Historical Interest. Constructed in 1922 (Architect J.A. Armes), the building is worthy of attention.

Since receiving notice in 1994 of the Board of Education's decision to sell the property in 1994, LACAC has advocated adaptive re-use of the building instead of demolition.

Heritage Planning would prefer that the applicant convert the existing buildings to residential use, however we understand that this alternative has been investigated and found to be economically unfeasible.

We will advise LACAC of the probability that this building will be demolished and report back."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan;

   ii) it would be compatible with existing and future planned residential uses;

   iii) it is located in close proximity to services such as shopping, public transit, highway access, etc.; and,

   iv) it provides a form of housing that is not readily available in the Hamilton market, ie., smaller one-storey dwellings targeting the empty-nester market.

3. The proposal requires a number of variances to the "RT-20" (Townhouse-Maisonette) District regulations. The variances can be supported as outlined below:

   - A semi-detached dwelling is not permitted within the Zoning district. Inclusion of the semi-detached dwelling within Block 1 maintains the street orientation of the overall development concept and is compatible to the other proposed residential dwellings on the subject lands and the adjacent neighbourhood.

   - The minimum side yard depth for a townhouse dwelling is 6.0m and the applicant has shown a minimum 6.0m side yard depth along the southerly lot line on the submitted plans. However, a reduction of the side yard setback to 4.0m is required to accommodate the road widening of Fennell Avenue East. This variance will enable the development of Block 1 to occur as shown on the attached Appendices and can be supported as it will provide a consistent built form edge along Fennell Avenue East.

   - A variance has been established to limit the number of dwelling units constructed on the subject lands to 13 townhouse dwelling units and one semi-detached dwelling. This variance will ensure that the number and form of residential dwelling units constructed on site will be consistent to the intent of the proposal as shown on APPENDIX "B".

   - Within the "RT-20" Zoning District, not more than eight single family dwelling units are to be attached in a continuous row. To maintain a lower density character in the proposed development that is compatible to the surrounding neighbourhood, for Block 1 a maximum of three single family dwelling units will be permitted in a continuous row. For Block 2, a maximum of four single family dwelling units will be permitted in a continuous row as proposed by the applicant.

4. The proposal will require the use of the 'H' (holding) Symbol. Since the lands were formerly used for school purposes and the potential exists for site contamination, the Region of Hamilton-Wentworth has requested a signed Record of Site Condition. Once this condition has been met, the 'H' symbol will be removed giving effect to the "RT-20" District regulations.

   The Region has also requested a noise warning clause be placed on the title of the land. This condition will be applied at the time of Condominium approval and/or as a condition of Site Plan approval.

5. The Building Department has advised that a minimum of five (5) parking spaces are required for Visitors Parking. Accordingly, APPENDIX "C" contains a red-lined revised plan showing five spaces for Visitor Parking.

6. The "RT-20" (Townhouse-Maisonette) District is subject to Site Plan Control By-Law 79-275, as amended by By-law 87-223. In this regard, matters such as access, parking, road widenings, daylight triangles, landscaping, fencing, grading, etc. will be reviewed at the site plan control stage of development.

7. The height, scale, style, character and architectural details of the proposed dwellings as shown on APPENDIX "D" is to be maintained at the Site Plan Approval stage of development.

8. The Public Works and Traffic Department have advised there will be no on-site City of Hamilton garbage pick-up.

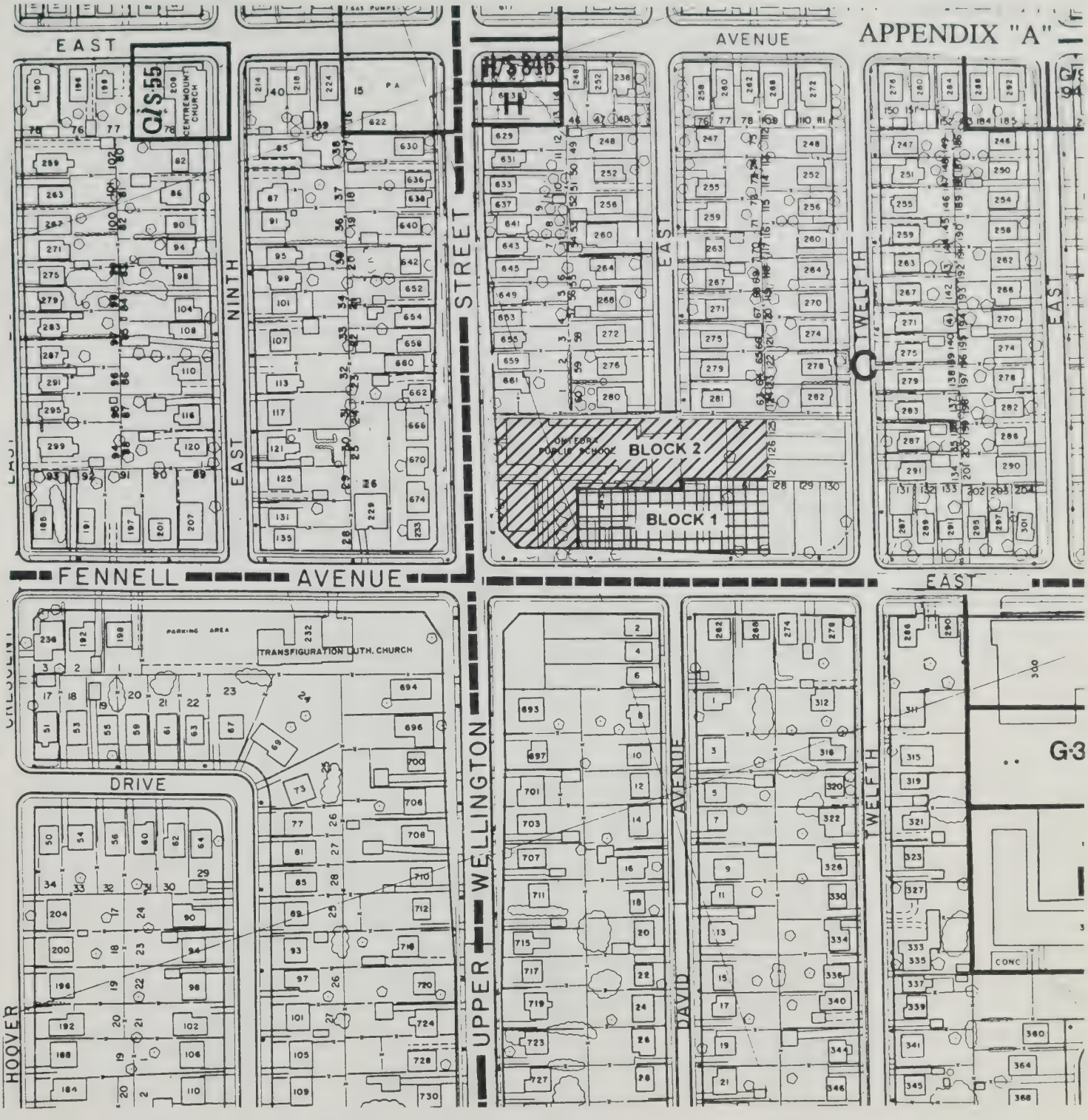
CONCLUSION:

Based on the foregoing, the application can be supported.

KE/ke

N:\KE\ZAC98-03

APPENDIX "A"



Legend

Change in Zoning From:

BLOCK 1

From "C" (Urban Protected Residential, etc.) District To "RT-20" - 'H' (Townhouse - Maisonette - Holding) District, Modified.

BLOCK 2

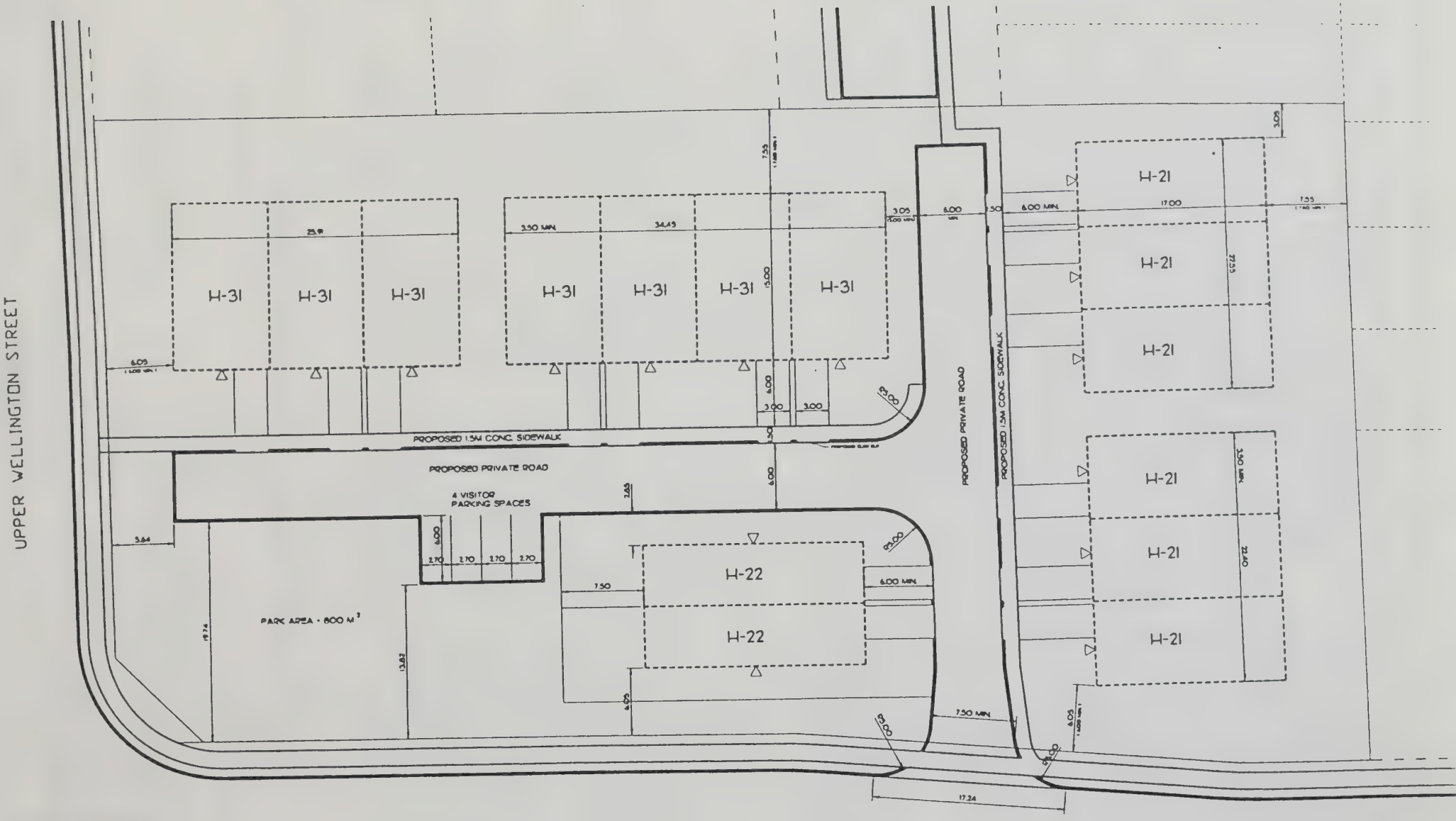
From "C" (Urban Protected Residential, etc.) District To "RT-20" - 'H' (Townhouse - Maisonette - Holding) District, Modified.

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-03
	Date	Drawn By
	March, 1998	R. L.



SITE STATISTICS

LOT AREA	= 6410.19 M²	
TOTAL BUILDING COVERAGE	= 2300 M²	(35.9 %)
ASPHALT DRIVE & PARKING AREA	= 873.06 M²	(13.3 %)
LANDSCAPED AREA	= 2937.13 M²	(45.8 %)

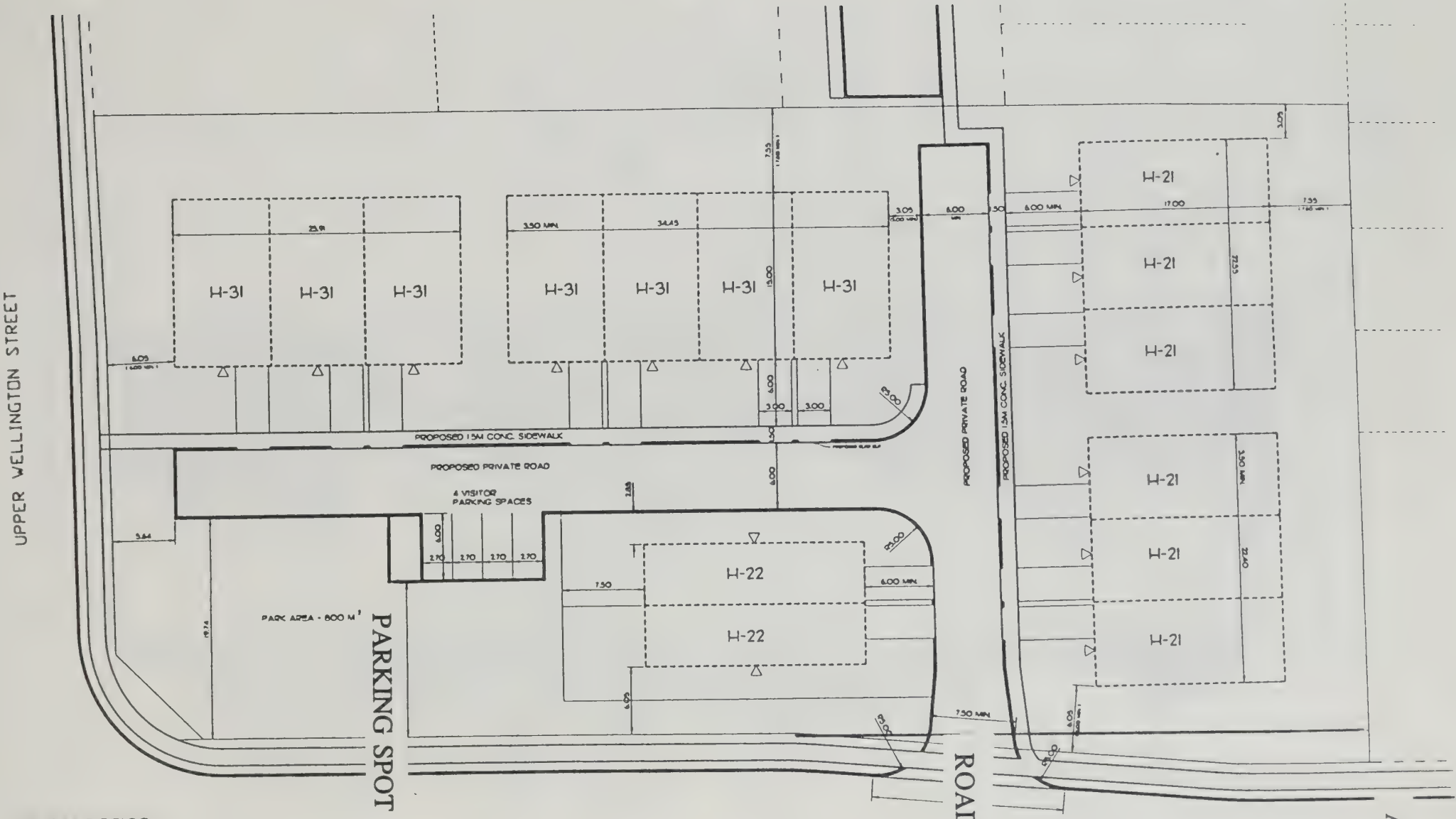
NO. OF UNITS

TOWN HOUSE	13
SEMI-DETACHED	2
TOTAL UNITS	15

PARKING

UNIT PARKING - 2 PER UNIT	= 30
VISITOR PARKING	= 4
TOTAL PARKING	= 34

APPENDIX "B"



SITE STATISTICS

LOT AREA · 6410.9 M²
TOTAL BUILDING COVERAGE · 2300 M² (35.9 %)
ASPHALT DRIVE & PARKING AREA · 873.06 M² (13.3 %)
LANDSCAPED AREA · 2937.13 M² (45.8 %)

NO. OF UNITS
TOWN HOUSE 13
SEMI DETACHED 2
TOTAL UNITS 15

PARKING
UNIT PARKING - 2 PER UNIT · 30
VISITOR PARKING · 4
TOTAL PARKING · 34



ONTEORA Place

APPENDIX "D"

2a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
453 OTTAWA STREET NORTH - Tag Number 102451
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 453 Ottawa Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Community Shopping and Commercial)

PRESENT USE: Vacant Single Family Dwelling

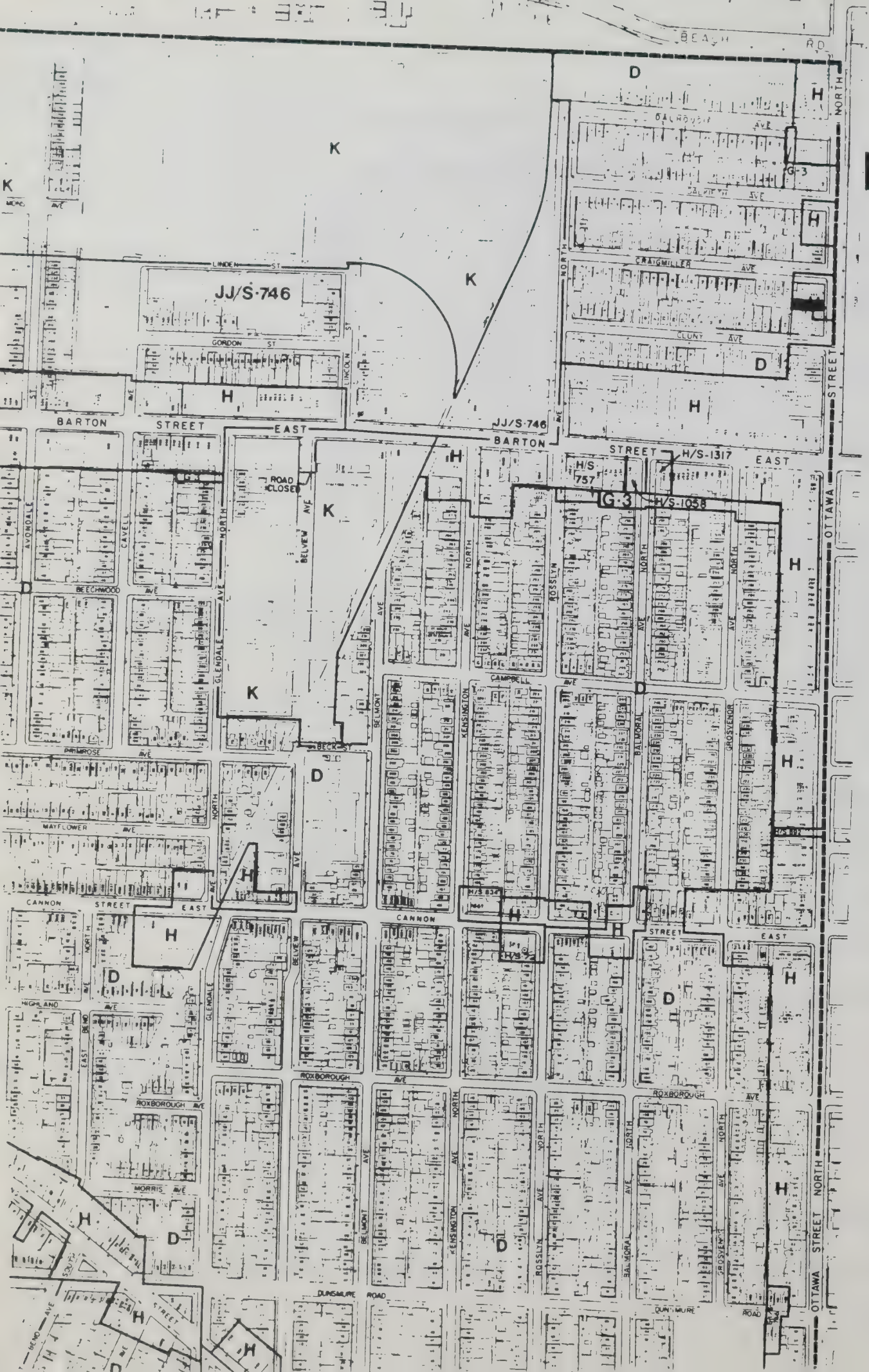
PROPOSED USE: Addition to Commercial

BRIEF DESCRIPTION: The owner proposes to demolish the existing vacant single family dwelling, merge these lands with the property known as 455 Ottawa Street North and add an addition to the existing public garage. A building permit application has been submitted and a minor variance has been obtained for the proposed addition (see attached). This property is located in the "Crown Point West" neighbourhood (please see attached neighbourhood map). No LACAC interest. Lot size 9.14m x 30.48m.

The owner of the property and applicant as per the demolition permit is:

Larry & Renzo Bernacci, 453 Ottawa Street North, Hamilton, Ontario L8H 4A3

FP/zr


SUBJECT PROP
453 OTTAWA ST
BEACH RD
BALMORAL AVE
CRAIGMILLER AVE
CLUNY AVE
LINDEN ST
GORDON ST
JJ/S-746
BARTON STREET EAST
ROAD CLOSED
H/S 757
H/S-1317
H/S-1058
G-3
AVONDALE
CAVELL
BEECHWOOD AVE
GLENDALE AVE
BELVIEW AVE
BECK ST
PRIMROSE AVE
MAYFLOWER AVE
CANNON STREET EAST
HIGHLAND AVE
ROXBOROUGH AVE
MORRIS AVE
DUNSMURE ROAD
BELMONT
KENSINGTON
CAMPBELL
ROSSLYN
BALMORAL
GROSVENOR
OTTAWA STREET NORTH
NORTH
EAST
H/S 834

COPY CIRCULATED
DATE: December 18/97

455 Ottawa Street North

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. A-97:270
SUBMISSION NO. A-270/97

IN THE MATTER OF The Planning Act, 1990 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 14(1) and 18(3)(ivc).

AND IN THE MATTER OF Premises municipally known as 455 Ottawa Street North, in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in a "H" (Commercial) district;

AND IN THE MATTER OF AN APPLICATION by the owner, Renzo Bernacci, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45(1) of The Planning Act, 1990, R.S.O. 1990, c. P. 13, so as to permit the proposed south side yard addition to the existing commercial building to maintain a distance of at least 1.52m (5.0') from the south lot line instead of the minimum required 6.0m.

THE DECISION OF THE COMMITTEE IS:

That the said application **IS GRANTED** subject to the following condition(s):

1) That a minimum 1.52m wide planting strip be provided and maintained along the southerly lot line, where it abuts a residential district in lieu of a 3.0m wide planting strip.

2) That a minimum 1.5m wide planting strip be provided and maintained along the entire westerly lot line in lieu of a 3.0m wide planting strip.

3) That a 1.2m to 2.0m high visual barrier be provided and maintained along the southerly lot line, where it abuts a residential district, and along the entire westerly lot line.

The relief granted herein is based upon the following reasons:

The Committee having regard to the evidence is of the opinion that there will be no adverse impact on any of the neighbouring lands.

The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief granted herein is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.

DATED AT HAMILTON this 26th day of November, 1997.

DECISIONS SIGNED:

M. Dudzic (Chairman)

R. N. Cutler

B. Law

Alderman B. Charters

The period of appeal has expired and no such appeal has been filed.
THIS DECISION IS NOW FINAL AND BINDING (s. 45 of The Planning Act).
CERTIFIED A TRUE COPY.
1997 December 17

Secretary-Treasurer
D. Serwatuk

26)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 April 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Commercial Parking Lot Control (98.2.4.2.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized and directed to proactively enforce the requirements of the Property Standards By-Law 94-185 and By-Law 84-35 with respect to commercial parking lots.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Enforcement can be accommodated with existing staff as there are a limited number of parking lots and a preliminary inventory indicates that only 28% of the 60 licensed lots have deficiencies. Ongoing enforcement will be covered through the licensing process in conjunction with a separate recommendation to the Finance and Administration Committee.

BACKGROUND:

Recently various members of Council have raised the issue of property standards relating to downtown parking lots. We are advised that the concerns as discussed at the Finance and Administration Committee when dealing with other parking issues, were that firmer property standards requirements are needed so that downtown parking lots are more aesthetically appealing.

In response to these concerns, Building Department staff compiled an inventory of all licensed commercial parking lots in order to identify deficiencies according to existing by-laws as well as items of concern that are presently not controlled but would be beneficial in enhancing the appearance of the properties. Items noted include paving and drainage, wheel stops, weeds, general litter, fencing, landscaping, lighting, and use of the road allowance.

.../2

The Property Standards By-Law 94-195, By-Law 84-35, and Zoning By-Law 6593 contain requirements that control all of these elements with the exception of use of the road allowance.

Requirements for paving, drainage, markings, wheel stops, and landscaping which would have the most noticeable affect on the appearance of existing parking lots are contained in the Zoning By-Law, however, our ability to enforce is restricted by the dates in which the specific requirements came into effect allowing legal non-conforming conditions to exist. This results in similar uses ("commercial parking lots") to exist with varying facilities, and subsequently very different overall appearances.

Furthermore, recent requirements requiring site plan approval for all new public parking lots is again not applicable to parking lots created prior to the passing of the by-law.

Our inventory identified that 28% of the existing parking lots have deficiencies associated with maintenance of existing facilities or litter and debris, therefore, direction to proactively enforce the Property Standards By-Law as it relates to parking lots will provide a prompt and effective means to address current concerns while other means to upgrade these facilities are pursued.

Accordingly, a separate recommendation will be submitted to the Finance and Administration Committee looking at suitable amendments to the Licensing By-Law in accordance with the authorities contained in the Municipal Act. This action will facilitate a permanent solution to prevent the reoccurrence of such adverse conditions in the future by providing the Department with additional tools for enforcement.

cc. Alderman C. Collins, Chairman, Transport and Environment Committee
Alderman D. Wilson, Chairman, Finance and Administration Committee
Mayor R. Morrow
J. Pavelka P.Eng., Chief Administrative Officer
M. Hazell, C.E.T., Manager of Community Traffic/Parking Services

2c

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
358 Barton Street East (98.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Thelma Gravis, 358 Barton Street East. The interest rate will be 2 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Thelma Gravis, 358 Barton Street East in the amount of $2,000. The roof has been repaired, and the Department recommends approval in the amount of $2,000 at 2% interest and amortized over five (5) years.

LCK/MM/dk
c.c. R. Camani, Treasury

2d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: The Ontario Association of Property Standards Officers (OAPSO) - Annual Education Seminar and General Meeting to be held at McMaster University - 1998 May 24-29 (98.2.4.2.1.A)

RECOMMENDATION:

a) That the City of Hamilton participate in the Ontario Association of Property Standards Officers Annual Education Seminar and General Meeting by sponsoring the "President's Dinner", which will feature the Honourable Al Leach, Minister of Municipal Affairs and Housing, as key note speaker, on 1998 May 27, at McMaster University at a cost not to exceed $5,000; and,

b) That the Finance and Administration Committee recommend the method of financing.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be determined by the Finance and Administration Committee.

BACKGROUND:

City of Hamilton Building Inspector, John W. Lane, who serves on the O.A.P.S.O. Board of Directors, has been the driving force in successfully bringing this conference to Hamilton. There will be approximately one hundred Property Standards Officers and Board Members from across Ontario in attendance for the week long event. The Officers in attendance will have a full week of intense instruction in O.A.P.S.O.'s continuing efforts to train, inform, and produce efficient and dependable municipal employees.

.../2

This conference will not only generate indirect revenues for the Hamilton area, but has also attracted the Honourable Al Leach, Minister of Municipal Affairs and Housing, who has been scheduled to address those in attendance at the "President's Dinner". It is anticipated that Mr Leach will be revealing a major announcement regarding upcoming changes in legislation, and has chosen this venue to do so. The City of Hamilton has a fantastic opportunity to promote itself by sponsoring this formal event. With the requested financial assistance provided, I am sure O.A.P.S.O. will ensure that the Property Standards Officers, their families, and the Minister will be impressed with Hamilton, will have a memorable visit here, and will want to return in the future.

Attached hereto is the agenda for the conference.

A similar conference regarding the Municipal Law Enforcement Officers' Association was held in Hamilton on three previous occasions and on the last occasion, in 1994, the City contributed $8,000.

CONCLUSION:

The Ontario Association of Property Standards Officers Annual Education Seminar and General Meeting is a worthwhile investment, and is worthy of a financial contribution on behalf of the City of Hamilton.

c.c. S. Reeder, Secretary Finance & Administration Committee
A. Ross, Treasurer.

1998 O.A.P.S.O. EDUCATION SEMINAR - Basic Level Agenda

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
9:00 am		INVESTIGATION *Introduction to Course Record Keeping Procedures*	CONSTRUCTION *Basic Components*	LEGAL	STRESS MANAGEMENT	REVIEW Q. & A.
		BREAK				
10:30 am		INVESTIGATION *Note Taking Field Inspections*	CONSTRUCTION *Basic Components*	CONSTRUCTION	STRESS MANAGEMENT	EXAMS
		LUNCH				
1:00 pm		CONSTRUCTION *Basic Components*	INVESTIGATION *Notices and Orders Service*	Annual Meeting (1:30 pm)	CONSTRUCTION	
		BREAK			BREAK	
2:45 pm	REGISTRATION	LEGAL *Definitions Municipal Act*	LEGAL *Right of Entry Rules of Evidence*		MOCK APPEAL	
4:30 pm			SITE INSPECTION		*Question and Answer Period with Instructors*	
				President's Dinner		

1998 O.A.P.S.O. EDUCATION SEMINAR - Intermediate Level Agenda

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
9:00 am		LEGAL *Review Part 1 Powers of Entry*	INVESTIGATION *BEmergency Powers and Orders,*	LEGAL	LEGAL *Role of the Prosecutor Preparing for Court*	REVIEW Q. & A.
		BREAK				
10:30 am		LEGAL *Witness Statements Laying a Charge*	CONSTRUCTION	LEGAL	INVESTIGATION *Field Reports Review*	EXAMS
		LUNCH				
1:00 pm		INVESTIGATION *Appeals to the Property Standards*	CONSTRUCTION	Annual Meeting (1:30 pm)	CONSTRUCTION	
		BREAK			BREAK	
2:45 pm	REGISTRATION	CONSTRUCTION	SITE INSPECTION		MOCK TRIAL	
4:30 pm					*Question and Answer Period with Instructors*	
				President's Dinner		

1998 O.A.P.S.O. EDUCATION SEMINAR - Advanced Level Agenda

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
9:00 am		INVESTIGATIONS *Review & Emergency Powers*	CONSTRUCTION	FIRE CODE	LEGAL	REVIEW Q & A
		BREAK				
10:30 am		INVESTIGATIONS *(continued)*	CONSTRUCTION *(continued)*	RISK MANAGEMENT	CONSTRUCTION	EXAMS
		LUNCH				
1:00 pm		SEARCH WARRANTS	CRIME PREVENTION *(CPTED)*	Annual Meeting (1:30 pm)	CONSTRUCTION	
		BREAK			BREAK	
2:45 pm	REGISTRATION	SEARCH WARRANTS	GRAFFITTI		SEARCH WARRANTS	
4:30 pm					*Question and Answer Period with Instructors*	
				President's Dinner		

1998 O.A.P.S.O. EDUCATION SEMINAR - Municipal Legislation/By-laws Agenda

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
9:00 am		PROVINCIAL OFFENCES ACT	PLANNING ACT *Official Plans O.M.B.*	RIGHTS OF ENTRY	MUNICIPAL ACT *Overview*	
		BREAK				
10:30 am		PROVINCIAL OFFENCES ACT	PLANNING ACT *Zoning Variances*	SEARCH WARRANTS	MUNICIPAL ACT *Section 210*	
		LUNCH				
1:00 pm		PHOTO EVIDENCE	PLANNING ACT *Sub-divisions Severances*	Annual Meeting (1:30 pm)	MUNICIPAL ACT *(continued)*	
		BREAK			BREAK	
2:45 pm	REGISTRATION	CONSTRUCTION	PLANNING ACT *Site Plans*		ENVIRONMENTAL PROTECTION ACT	
4:30 pm					*Question and Answer Period with Instructors*	
				President's Dinner		

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1998



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 April 22
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

APR 22 1998

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Official Plan Amendment and Zoning Application 98-06, by 1023942 Ontario Inc. (Country Depot), owner, for a modification to the existing "M-13" District for property located at 10 Dartnall Road.

2. Proposal to rename a portion of Dulgaren Street in the Eleanor Neighbourhood.

3. Zoning Application 97-33, by Nicola and Rosalba Clarizio, owners, for a further modification to the "C" District, for lands located at 852 Upper Wentworth Street.

4. Zoning Application 98-05, by Luft Enterprises Inc., for a further modification and change in zoning for property located at 400 York Blvd. and 16 Magill Street.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

5. Zoning Application 97-31, by Altco Trading Int'l Inc., owner, for a change in zoning from "D" District to "H" district, modified, for lands located at 520 James Street North.

   a) Submission: John Goodwin, 51 Macauley Street West, Hamilton

6. Official Plan Amendment - Protection of Rental Housing Stock

7. **DIRECTOR, PLANNING & DEVELOPMENT (INFORMATION REPORT)**

Subdivision and Condominium Delegation

8. **REFERRAL BACK FROM COUNCIL**

Official Plan, Zoning and Site Plan Bills for 135 Fennell Avenue West

9. **BUILDING COMMISSIONER (PREVIOUSLY TABLED)**

49 Royal Avenue - Demolition

10. **CONSENT AGENDA**

11. **PRIVATE AND CONFIDENTIAL AGENDA**

12. **OTHER BUSINESS**

13. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use regarding Hamilton Harbour Commission Lands	Report forthcoming
4.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
5.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 mo. Further tabled for 6 mos. (to first meeting of Nov 1997)
6.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
7.	Street Naming	1997 May 7	Planning Staff to prepare a report explaining how street names are determined	Report pending
8.	Correspondence from J. Wannop, 139-147 Locke St. S.- Site Plan	1997 June 18	Referred to Planning Staff for review and comment	Pending
9.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for report	Report forthcoming
10.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
11.	Planning Tariff Fees - Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
12.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending
13.	RHPA Application CD-97-002, 21 Kendale Court	1997 August 20	Clarification re: reserve funds for major repairs & resolve parking issue	Tabled for 1 month
14.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
15.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
16.	Procedures for Identification /Remediation of Potentially Contaminated Sites	1998 March 4	Planning Staff To report back regarding City of North York Clause to Site Plan Agreement	Pending

1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 15
ZAC-98-06
Hannon North

APR 1 [illegible] 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT:

Request for an Official Plan Amendment and a modification to the established "M-13" (Prestige Industrial) District regulations applicable to the lands located at 10 Dartnall Road.

RECOMMENDATION:

A. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a garden centre and related uses, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to amended Zoning Application 98-06, Country Depot, 1023942 Ontario Inc., owner, for a modification to the established "M-13" (Prestige Industrial) District regulations, to permit retail/wholesale for farm and home supplies and a lawn and garden centre with outside storage, for property located at 10 Dartnall Road, as shown on the attached plan marked as APPENDIX "A", on the following basis:

i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(a) That notwithstanding Section 17E(1)(c) of Zoning By-law No. 6593, the following additional uses shall be permitted:

1. Retail/Wholesale of farm and home supplies; and,

2. Lawn and Garden Centre, excluding open stockpiling of fertilizers, soil and soil conditioners;

(b) The total area used for storage inside shall not exceed 48.0% of a building or structures gross floor area;

(c) That notwithstanding Section 17E(2)(b)(1)(ii) of By-law No. 6593, the chemical storage shed, existing on the day of passing of this by-law, shall provide a southerly side yard of 4.0 m minimum;

(d) That notwithstanding Section 17E(2)(h)(1) of By-law No. 6593, outside storage shall be permitted in the non-required front yard, provided that it is screened from external view by a chain link fence not less than 1.5 m in height and not more than 3.0 m in height;

(e) That notwithstanding Section 17E(2)(h)(2) of By-law No. 6593, every side yard or rear yard that is used for outside storage of any material or any equipment shall be screened from external view by a chain link fence not less than 1.5 m in height and not more than 3.0 m in height, and a landscaped area with a planting strip having a width of not less than 1.2 m along the side and rear lot lines adjacent to the outside storage area shall be provided and maintained;

(f) That notwithstanding Section 17E(2)(h)(4) of By-law No. 6593, the total area used for storage outside of a building or structure shall not exceed 30% of the lot area subject to the following requirements that:

1. Not more than two percent (2.0%) of the total outside storage area is not required to be screened from external view;

2. No stockpile of retail/wholesale farm and home, lawn and garden supplies located in the outside storage area shall exceed a height of 4.0 metres;

(g) Section 17E(2)(i) of By-law No. 6593 shall not apply.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S- , and that the subject lands on Zoning District Maps E59D be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E59D; and,

iv) That the proposed modification in zoning will be in conformity with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE:

The purpose of the proposed Official Plan Amendment is to establish a Special Policy Area to permit a garden centre and related uses on the subject lands, for the property located at 10 Dartnall Road, as shown on the attached map marked as APPENDIX "A".

The purpose of the By-law is to provide for a modification to the established "M-13" (Prestige Industrial) District regulations on the subject lands, for the property located at 10 Dartnall Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit retail/wholesale of farm and home supplies and a lawn and garden centre with limited inside and outside storage. The By-law allows for not more than 48.0% of a building or structures gross floor area to be used for inside storage and allows for not more than 30% of the lot area to be used for outside storage of materials. Presently, inside storage (i.e. warehousing) is limited to 25% of the gross floor area, outside storage of materials related to a lawn and garden centre is limited to 25% of the lot, and outside storage related to retail uses are limited to 5% of the lot area.

In addition, the By-law provides for the following variances:

- To permit a 4.0 m southerly side yard for the existing chemical storage shed whereas 6.0 m is required;
- Outside storage is permitted in the non-required front yard and a 1.5 m to 3.0 m chain link fence is required adjacent to the outside storage area;
- The outside storage area shall be screened from external view by providing a chain link fence 1.5 m to 3.0 m in height, and a 1.2 m planting strip along the side and rear lot lines adjacent to the outside storage area;
- The total area used for storage outside of a building or structure shall not exceed 30% of the lot area;
- Two percent (2%) of the outside storage area will not be screened from external view whereas a 1.2 m to 2.0 m visual barrier is required;
- No stockpile of retail/wholesale farm and home, lawn and garden supplies shall be higher than 4.0 m whereas there is presently no limitation on maximum height;
- Outside storage and the erection of an industrial building shall be permitted within 90.0 m of land used solely for residential purposes; and,
- Prohibits the open stockpiling of fertilizers, soil and soil conditioners.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant proposes to expand the existing legal non-conforming home and farm retail supply store at 10 Dartnall Road by adding a green house (i.e. garden centre use), additional warehousing, outside storage and associated parking and loading areas (see Appendix "B").

The existing store (Country Depot) consists of retail and warehousing (existing gross floor area - 849.0 m^2 [9,138.85 S.F.]). The additions will consist of a greenhouse, new warehouse and canopy, and new canopy area for display (existing and proposed gross floor area - 1,478.50 m^2 (15,915.96 S.F.). The area of inside storage (warehousing) is proposed at 48% of the gross floor area and the outside storage including display is proposed at 30% of the lot area.

E-98-06, Exemption Request

On April 1, 1998 the Planning and Development Department approved an exemption request for a minor addition (i.e. Office 15.0 m^2) and a handicapped ramp to the existing building, subject to the Committee of Adjustment approval for expansion of the legal non-conforming use.

Committee of Adjustment Application, A-98:38

On March 18, 1998 the Committee of Adjustment granted an application, so as to permit enlargement of the existing legal non-conforming retail building with the following additions:

1) a front one storey 4.572 m x 3.353 m office addition;
2) a 3.658 m x 3.353 front entrance porch together with steps and a handicap ramp.

The decision of the Committee is final and binding as of April 7, 1998.

APPLICANT:

1023942 Ontario Inc. (Country Depot), owner.

LOT SIZE AND AREA:

- 91.28 m (299.50 ft.) of lot width fronting on Dartnall Road;
- 72.4 m (237.64 ft.) of lot depth, approximately; and,
- 10,846.0 m^2 (2.6 acres) of lot area.

LAND USE AND ZONING:

	EXISTING LAND USE	***EXISTING ZONING***
SUBJECT LANDS:	Legal Non-conforming Home Farm Retail Supply Store	"M-13" (Prestige Industrial) District
SURROUNDING LANDS:		
to the north	Greenhouse/Nursery	"M-13" (Prestige Industrial) District, modified
to the south	Salvage Yard	"M-13" (Prestige Industrial) District
to the east	Commercial and Residential	"M-13" (Prestige Industrial) District, modified and "M-13" (Prestige Industrial) District
to the west	Abandoned C.N. Railway and vacant land	"M-14" (Prestige Industrial) District

OFFICIAL PLAN:

The lands are designated "**Industrial**" on Schedule "A" - Land Use Concept to the Official Plan and "Special Policy Area 11A" on Schedule "B" - Special Policy Areas". The following policies should be noted:

"2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

iii) Uses which have characteristics or functional requirements similar to Industries;

vii) All uses which, in the opinion of Council, complement and do not interfere with or detract from the primary function of the area."

General Industrial

"2.3.9 The GENERAL INDUSTRIAL category applies to a wide range of Industrial Uses which, by virtue of site utilization or operation, are not intensive.

2.3.12 Council will ensure that non-Industrial land uses abutting GENERAL INDUSTRIAL areas are protected from any adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures."

Subsection A.2.9.3 - Other Policy Areas

"2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule "B" and "B-3" as SPECIAL POLICY AREA 11 and SPECIAL POLICY AREA 11a, light industrial uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the light industrial land use category will apply. Notwithstanding the foregoing, for those lands which are:

i) shown on Schedule "B" and Schedule "B-3" as SPECIAL POLICY AREA 11a, in addition to the light industrial uses, business and professional offices and home improvement uses will be permitted;"

The proposal conflicts with policy A.2.9.3.9(i) in that the uses are for commercial purposes. In this regard, an Official Plan Amendment is necessary to establish a Special Policy Area to permit a garden centre and related uses on the subject lands.

EAST MOUNTAIN INDUSTRIAL BUSINESS PARK:

The subject lands are designated for "**Restricted Industrial - Commercial**" use on the approved East Mountain Industrial Business Park. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority;
  - Union Gas; and,
  - Traffic Department.

- The Regional Environment Department advised that:

"1. The designated road allowance width of Dartnall Road is 36.58 m. In accordance with this designation the Region prepared Reference Plan 62R-14426 was prepared outlining the lands required for road widening purposes.

We have reviewed the extent of the proposed redevelopment in accordance with our Policy and advise that the road widening dedication is warranted. Therefore as a condition of development approval we recommend that Parts 39 and 40 on Reference Plan 62R-14426 be dedicated to the Region for road widening purposes. According to our records the road widening varies from 7.340 m to 8.314 m in width.

The lands to be dedicated to the Region must be free and clear of all obstruction, including the existing septic bed and all setbacks under the Zoning By-law are to be taken from the widened road allowance limits of Dartnall Road and the site plans must be revised accordingly.

2. Further detailed comments on access, grading, setbacks, landscaping, etc., will be submitted at such time as detailed plans are submitted for our review through the site plan submission process.

3. In the absence of any other details shown we advise that any works may occur within the Dartnall Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

- The Building Department advises that:

"1. The existing home and farm retail supply store is legally established non-conforming.

2. A lawn and garden centre is not a permitted use.

3. The existing and proposed inside storage exceeds the maximum permitted 25% of the gross floor area of the building.

4. A lawn and garden centre, if permitted, is limited to a maximum 25% of the lot area to be used for outside storage and sales. The retail store is limited to 5% of the lot area for outside storage. The areas designated for outside storage have not been indicated on the site plan. The zoning application is proposed a total of 50% outside storage.

5. The M-13 district has the following outside storage requirements:

a) No front yard shall be used for outside storage.

b) Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view

by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.

6. Based on a gross floor area of 1478.5m^2, thirty-four (34) parking spaces are required. Only thirty (3) parking spaces are provided. Please note that canopy areas are not included in the gross floor area of the building.

7. Based on a commercial gross floor area 1478.5m^2 1 - 18.0m x 3.7m x 4.3m loading space is required. The required loading space is not indicated on the plan.

8. The existing chemical storage building shown as "Building 3" is required to be 6.0m from the side lot line."

COMMENTS:

1. The proposal does not conform with the Official Plan. If approved, an Official Plan Amendment is required to establish a "Special Policy Area" to permit a garden centre and related uses on the subject lands.

2. The proposal has merit and can be supported for the following reasons:

   a) It is compatible with the commercial and industrial business to the north and south;

   b) It is suitably located on an arterial road (Dartnall Road) which is desirable for commercial type development;

   c) It is not dissimilar to other commercial uses permitted in the "M-13" (Prestige Industrial) District such as Other Storage and Warehousing with ancillary Retail Sales Area, Wholesale Fresh Fruit and Vegetables, Wholesale Building Materials and Wholesale General Merchandise; and,

   d) Except for the "Lawn and Garden Centre" use, the requested zoning amendment is to recognize and upgrade the legal non-conforming retail/wholesale of farm and home supply that has been on the site for several years.

3. The Building Department has reviewed the preliminary site plan (see Appendix "B") and has advised the development will require the following variances as special requirements:

   1. <u>Uses</u>

      The existing home and farm retail supply store is legally established non-conforming and a lawn and garden centre is not a permitted use.

      The recognition of the established retail/wholesale of farm and home supplies and the addition of lawn and garden centre is not dissimilar to other commercial uses permitted in the "M-13" (Prestige Industrial) District such as Other Storage and Warehousing with ancillary Retail Sales Area, Wholesale Fresh Fruit and

Vegetables, Wholesale Building Materials and Wholesale General Merchandise, thus can be supported.

2. Inside Storage

The total area used for storage inside is proposed at 48.0% of the gross floor area, whereas the Building Department has advised that for this use the inside storage (i.e. warehousing) is generally limited to 25% of the gross floor area. In support of the proposed inside storage requirements, the nature of the inside storage related to the farm and home supply business is similar to the storage requirements of "other storage and warehousing industries" that are permitted as of right in the "M-13" District with an inside storage limitation of 49% of the gross floor area.

3. Outside Storage

The total area used for storage outside is proposed at 30% of the lot area, whereas for a garden centre in other similar districts (i.e. "M-12" District) it is limited to 25% of the lot area and outside storage related to retail use is limited to 5% of the lot area.

Furthermore, two percent (2.0%) of the thirty percent (30%) outside storage is proposed as display of farm and home supplies and lawn and garden centre goods and will not be screened from external view, whereas it is typically screened by a 1.2 m to 2.0 m visual barrier.

The outside storage will be permitted in the non-required front yard, whereas it is not permitted in the front yard;

Outside storage and the erection of an industrial building will be within 90.0 m of land used solely for residential purposes.

In support of the above-mentioned outside storage requirements, the applicant has agreed to the following special provisions with respect to the outside storage of materials:-

- No stockpile of retail/wholesale farm and home, lawn and garden supplies shall be higher than 4.0 m whereas there is presently no limitation on maximum height;

- The outside storage area shall be screened from external view by providing and maintaining a chain link fence 1.5 m to 3.0 m in height and a 1.2 m a planting strip along the side and rear lot lines adjacent to the outside storage area;

- The outside storage will be permitted in the non-required front yard and a 1.5 m to 3.0 m chain link fence is required adjacent to the outside storage area.

The above-mentioned special requirements will implement the intent of the General Industrial policies of the Official Plan and are similar to the provisions applied to other similar businesses in the area, such as Ferrel Building Supply.

4. Southerly Side Yard

The existing chemical storage building has a side yard of 4.0 m whereas 6.0 m is required. The as built situation can be supported since it is contained within the proposed outside storage area and will be screened from view by providing and maintaining a chain link fence 1.5 m to 3.0 m in height and a 1.2 m planting strip along the southerly side lot line.

5. Stockpiling of fertilizers, soil and soil conditioners

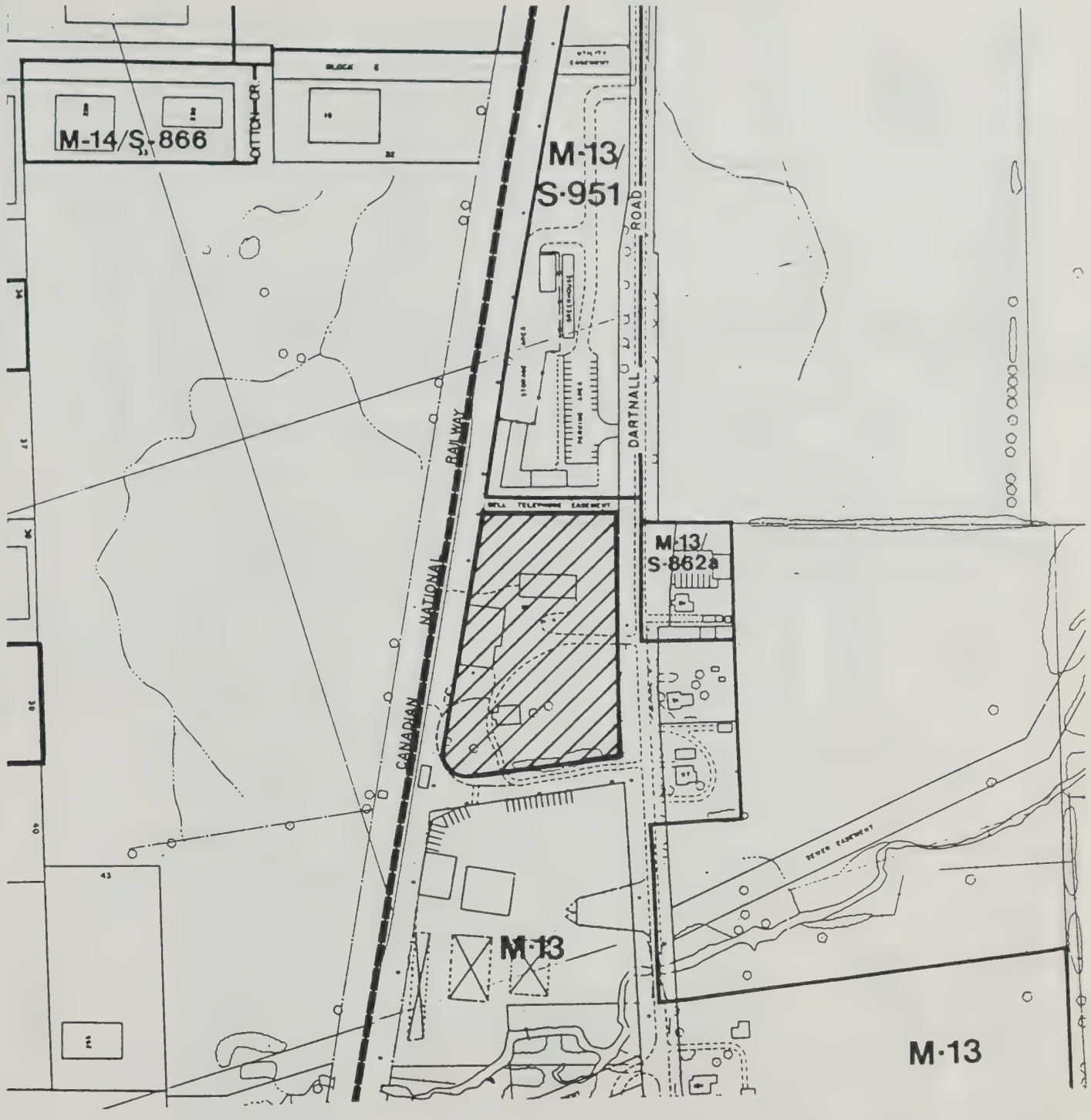
In order to avoid the potential for noxious odours, it is recommended that no open stockpiling of fertilizers, soil, and soil conditioners be permitted. In this regard, the applicant has advised that it is their intention to only sell prepackaged materials.

4. The "M-13" (Prestige Industrial) District is subject to Site Plan Control By-law No. 79 - -275, as amended by By-law 87-223. Matters related to road widenings, access, parking, loading, landscaping, grading, fencing, lighting, signs, etc. will be further reviewed at the site plan approval stage of development.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

ZAC-98-06
JL/mm



Legend

Site of the Application

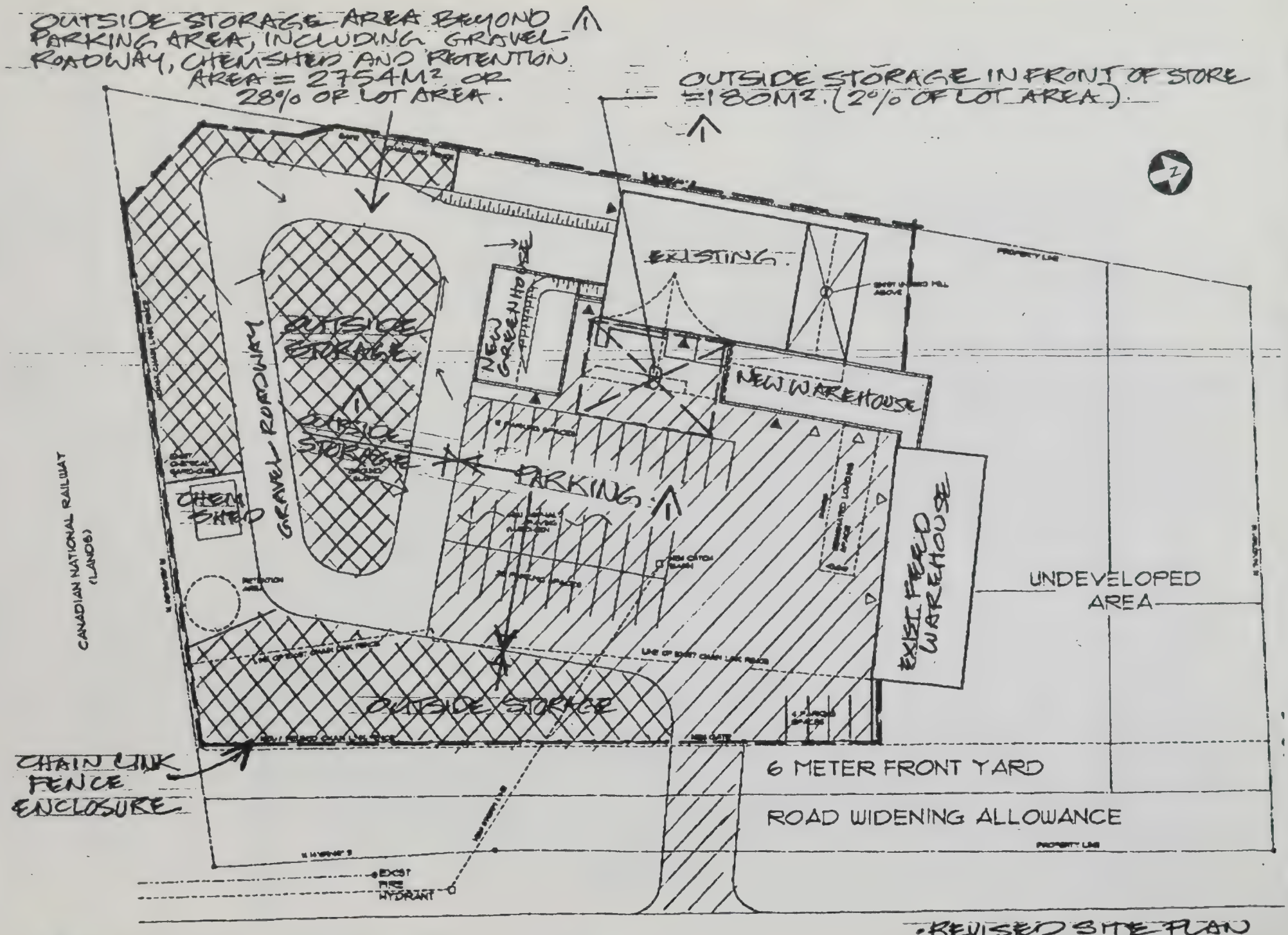
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-06
	Date	Drawn By
	FEBRUARY, 1998	B.B.

APPENDIX A



REFER TO ATTACHED SITE PLAN SKETCH

101 ARTNALL ROAD

- REVISED SITE PLAN
- APRIL 1, 1998

APPENDIX B

APR-15-1998 11:45 FROM SZE STRAKA TO 19055464202 P.004/005

4 of 4

SITE DATA
10 DARTNALL ROAD, HAMILTON, ONT

1 REVISED APRIL 2/98

ZONING:	M-13
LOT AREA (LESS ROAD WIDENING ALLOWANCE):	9820 SQM.
BUILDING AREA:	
BUILDING 1:	
EXIST STORE (314 SQM. RETAIL, 174 SQM. WAREHOUSE)	488 SQM. (280M² UNUSED 2ND FLOOR ABOVE).
NEW WAREHOUSE AND CANOPY ADDITION	234 SQM. (190.5M² WAREHOUSE ONLY
NEW CANOPY AREA:	157 SQM.
EXIST FEED WAREHOUSE:	309 SQM.
NEW OFFICE	15 SQM.
TOTAL	1203 SQ.M.
BUILDING 2: NEW GREENHOUSE:	160 SQM.
BUILDING 3: EXIST CHEMICAL WAREHOUSE:	36 SQM.
BUILDING COVERAGE:	1384 SQM.
GROSS FLOOR AREA:	1,4785 SQM.
PARKING REQUIRED (AS PER CITY COMMENTS):	34 SPACES
TOTAL PARKING PROVIDED:	34 SPACES
LOADING SPACES:	4

NEW ASPHALT

OUTDOOR STORAGE AREA 2934 M² OR 30% OF LOT AREA. 1

TOTAL INSIDE STORAGE = 710.5 M² OR 48% OF GROSS FLOOR AREA. 1

APPENDIX B CONT'D

2.

CITY OF HAMILTON

- RECOMMENDATION -

APR 1 5 1998

DATE: 1998 April 8
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposal to rename a portion of Dulgaren Street in the Eleanor Neighbourhood

RECOMMENDATIONS:

a) That street name "Dulgaren Street" be changed to "Dalia Avenue" for that portion of Dulgaren Street located between Upper Sherman Avenue and the future extension of Eaglewood Drive, as shown on the attached map marked as APPENDIX "A";

b) That the City Solicitor be directed to prepare a by-law for enactment by City Council to change the street name from "Dulgaren Street" to "Dalia Avenue" in accordance with the provisions of the Municipal Act; and,

c) That the City Solicitor be directed to register the By-law and that duplicate copies of the By-law be sent to the Building Department, Department of Public Works and Traffic, Planning Department, Regional Environment Department and Regional Transportation Department.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

NA

BACKGROUND:

Council, at its meeting of March 16, 1997, authorized the holding of a public meeting to consider a proposed street name change from Dulgaren Street to Dalia Avenue for that portion of Dulgaren Street located between Upper Sherman Avenue and the future extension of Eaglewood Drive, as shown on the attached map marked as APPENDIX "A".

Notice of the public meeting to consider the street name change was published in the Hamilton Spectator for 3 consecutive weeks. The notice was first published on March 25, 1998.

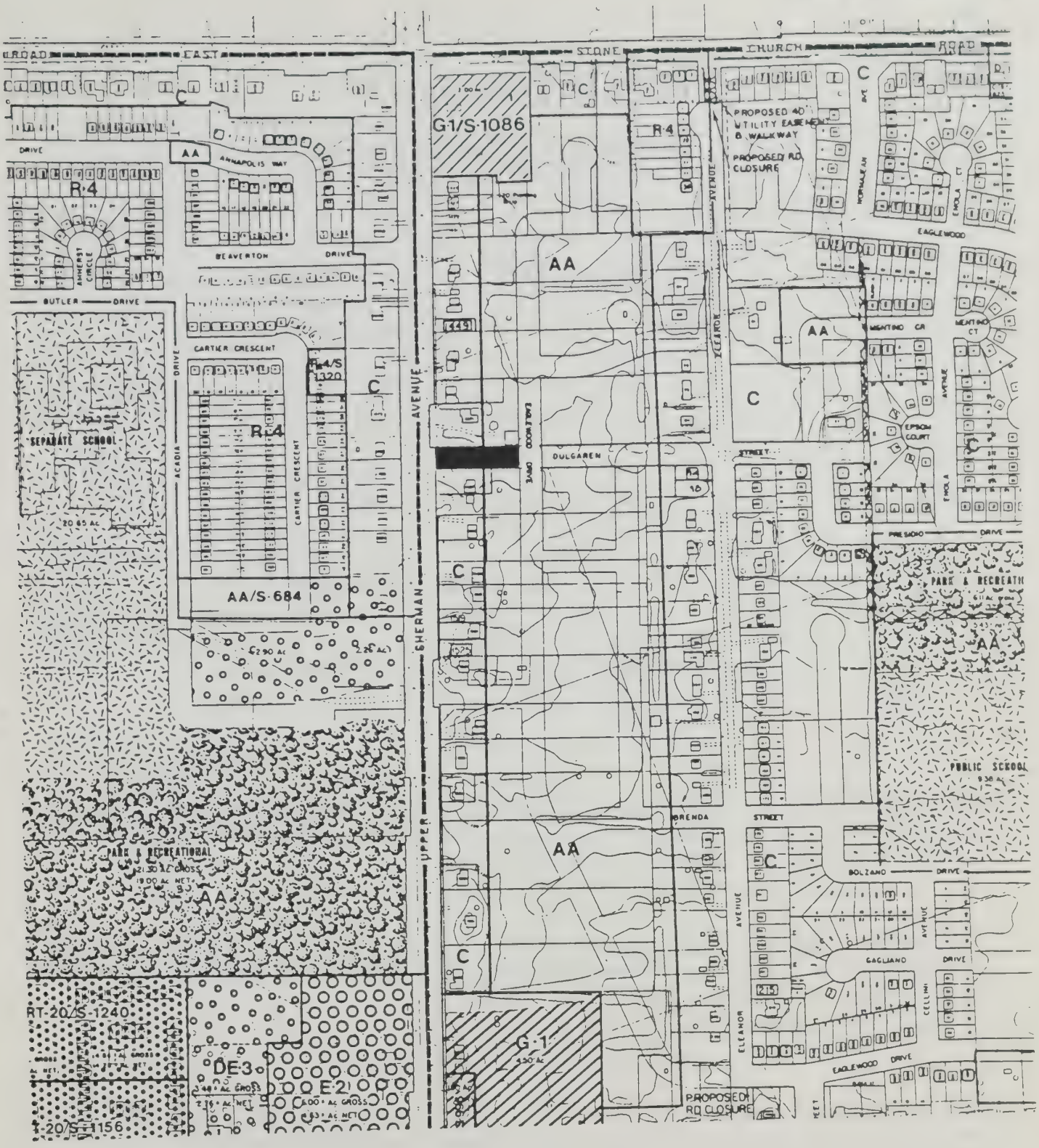
The proposed street name change is required due to the road configuration of the Eleanor Neighbourhood Plan. The neighbourhood plan identifies a portion of Dulgaren Street to be closed to allow for residential development. This road closure leaves two unconnected portions of Dulgaren Street: one section is a collector road from Upper Sherman Avenue to the future extension of Eaglewood Drive; the second portion is approximately 61 m easterly of Eleanor Avenue. In terms of emergency services, a road should not be divided into two portions that do not connect. In addition, there are no homes with municipal addresses along the westerly portion of Dulgaren Street and therefore the street name change would not result in any inconvenience to homeowners. As such, it is appropriate that the westerly portion of Dulgaren Street be renamed to Dalia Avenue.

CONCLUSION:

On the basis of the forgoing, it is appropriate that the street name "Dulgaren Street" be changed to "Dalia Avenue".

SR/sr
Dulgaren.2nd

Appendix A



Legend

Portion of Dulgaren Street to be renamed

N.T.S.

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 15 APR 1 6 1998
ZAR-97-33
Bruleville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and further modification in zoning - 852 Upper Wentworth Street

RECOMMENDATION:

(a) That Official Plan Amendment Application by Nicola and Rosalba Clarizio, owners, to establish a new Special Policy Area to permit commercial uses notwithstanding the "Residential" designation, on lands known municipally as 852 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be DENIED; and,

(b) That Zoning Application ZAR-97-33, Nicola and Rosalba Clarizio, owners, for a further modification to the "C" (Urban Protected Residential, etc.) District to permit general office space and a showroom on the second floor of the existing building, for lands located at 852 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) it conflicts with the Official Plan policy for Special Policy Area 68 which was intended to recognize a mixed commercial/residential use on the property. The proposal has the effect of using the lands for only commercial uses with no residential component;

ii) it conflicts with the approved Bruleville Neighbourhood Plan which permits up to 1000 square feet (92.9 m^2) of professional offices or commercial uses within the existing building, thereby supporting mixed commercial/residential development. The proposal has the effect of using the lands for only commercial uses with no

residential component ; and,

iii) approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Official Plan and Neighbourhood Plan and erode the residential character along this section of the west side of Upper Wentworth Street.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A/

BACKGROUND:

- Proposal

  The applicant proposes to use the entire two storey building for commercial (office and showroom) purposes with no residential component.

- Official Plan Amendment No. 129, By-law Nos. 95-11 and 97-153, and DA-95-24

  The Commissioner of Regional Planning and Development approved, on December 5, 1995, Official Plan Amendment No. 129 which established Special Policy Area 68 for the subject lands. This amendment permits, in addition to residential uses, general offices and home improvement uses with the intent of a mixed residential/commercial property.

  City Council, on May 9, 1995, passed By-law No. 95-111 which rezoned the subject lands from "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified, to: permit general offices and a kitchen cabinet showroom on the first and second floor with a maximum total gross floor area of 95 m^2 (1022.6 square feet); one dwelling unit on the second floor; an unlighted sign of not more than .2 m^2 (2 square feet); provision of a landscape planting strip and visual barrier along the westerly lot line; and, elimination of a setback for an access drive adjacent to a residential district.

  The 'H' holding provision was imposed subject to the applicant applying for and receiving approval for a Site Plan Control Application. On July 26, 1996 Site Plan Application DA-95-24 was approved. Subsequently, By-law 97-153, passed by City Council on July 8, 1997 removed the 'H' holding provision on the subject land.

- 860 Upper Wentworth Street

  City Council, on December 8, 1992, passed By-law No. 92-305, which rezoned the lands

from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified. That by-law permitted a dental office only on the first floor of the existing building with a maximum gross floor area of not more than 95 m^2 and 1 dwelling unit on the second floor. A holding provision, which was subsequently removed by By-law No. 93-088, required that the applicant/owner apply for and receive approval of a Site Plan Control application.

Committee of Adjustment, on December 15, 1993, denied an application (A-93-233) for a minor variance on these lands to permit the expansion of the dentist office from 95 m to 116 m^2, on the basis that it was an over intensification of the commercial use and was not minor in nature. The owner made a subsequent application to the Committee of Adjustment (A-95-237) to increase the gross floor area of the dentist office to 116.12 m^2. This application was also denied by the Committee of Adjustment on December 13, 1995.

APPLICANT:

Nicola and Rosalba Clarizio, owners.

LOT SIZE AND AREA:

The subject lands have:

- a lot frontage of 15.22 m (49.9 feet);
- a lot depth of 35.96 m (117.9 feet); and,
- a lot area of 547.31 m^2 (5891.4 square feet).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Offices, show room (first floor) Residential (second floor)	"C" (Urban Protected Residential, etc.) District, modified
Surrounding Uses		
to the north	Single Family Dwelling	"AA" (Agricultural) District
to the east	Commercial	"HH" (Restricted Community

		Commercial and Shopping, etc.) District, modified
to the south	Dentist office and residential	"C" (Urban Protected Residential, etc.) District, modified
to the west	Single Family Dwelling	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan and located within Special Policy Area 68. The following policies, amongst others, apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.9.3.63 In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 68, and located at 852 Upper Wentworth Street, general offices and home improvement uses will be permitted."

Policy A.2.9.3.63 (Official Plan Amendment No. 129) was established to permit the non-local commercial uses within a "Residential" designation. The subject proposal to permit general office uses on the second floor will eliminate the residential component of the building, thereby making the use strictly commercial and not mixed commercial/residential use as contemplated in the Official Plan. On this basis, the proposal does not comply with the Official Plan and, if approved an Official Plan amendment would be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial/Residential Conversion" in the approved Bruleville Neighbourhood Plan. The intent of the designation is maintain the residential component while permitting up to 1000 square feet (92.9 m^2) of professional offices or commercial uses within the existing building. By-law No. 95-111 permits general offices and showroom on the first and second floor to a maximum gross floor area of 1022.6 square feet (95 m^2). The subject proposal to convert the entire second floor to office space would increase the commercial space to 3100 square feet (288 m^2) with no residential component. The proposal conflicts the Neighbourhood Plan and, if approved, an amendment to the Neighbourhood Plan would be required.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Public Works and Traffic Department advise they have no comment or objection.

- The Regional Environment Department, Development Engineering Division has advised that:

  "there are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The designated road allowance widenings on Upper Wentworth Street have previously been acquired by the Region.

  We understand that this application is to allow an Office Use in the second storey of this development. Any site changes relating to fencing, access, etc. must be submitted to our office for review and approval.

  Any works within the Upper Wentworth Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Building Department has advised that:

  "1. The proposal to use the entire 287.99m^2 (3100 $ft.^2$) building for commercial purposes, is not permitted."

COMMENTS:

1. The application for an Official Plan Amendment and further modification in zoning cannot be supported for the following reasons:

   i) it conflicts with the Official Plan policy for Special Policy Area 68 which was intended to recognize a mixed commercial/residential use on the property. The proposal has the effect of using the lands for only commercial uses with no residential component;

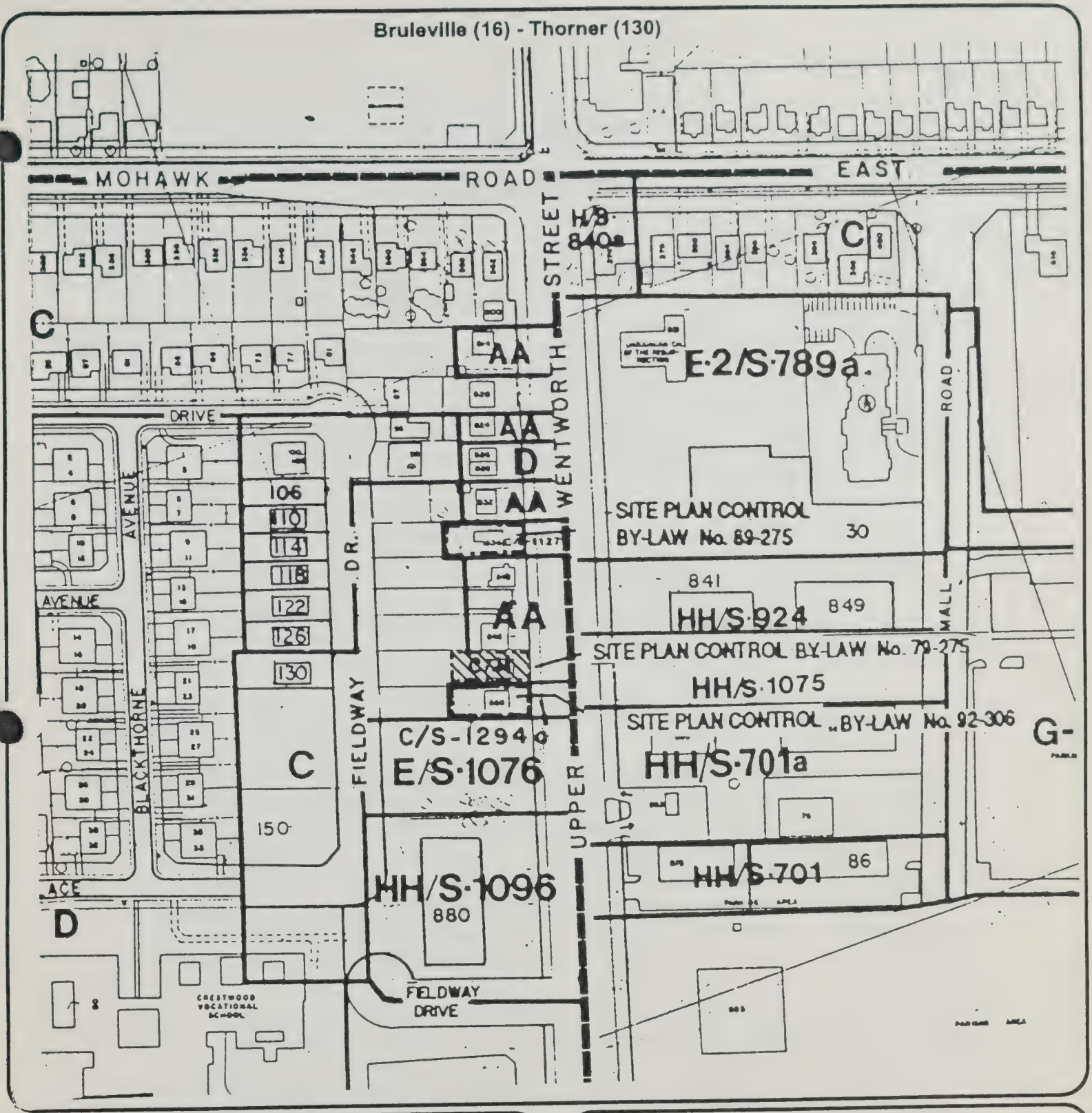
   ii) it conflicts with the approved Bruleville Neighbourhood Plan which permits up to 1000 square feet (92.9 m^2) of professional offices or commercial uses within the existing building, thereby supporting mixed commercial/residential development. The proposal has the effect of using the lands for only commercial uses with no residential component ; and,

iii) approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Official Plan and the approved Neighbourhood Plan, and erode the residential character along this section of the west side of Upper Wentworth Street.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

ZAR-97-33/
CLF



Legend

BLOCK 1 — Further modification to the "C" (Urban Protected Residential, etc.) District

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-97-33
	Date	Drawn By
	OCTOBER, 1997	B. B.

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 15
ZAC-98-05
Strathcona Neighbourhood

APR 1 - 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a Further Modification and Change in Zoning - 400 York Boulevard and 16 Magill Street

RECOMMENDATION:

A. That Zoning Application ZAC-98-05, Luft Enterprises Inc., for a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "1") and a change in zoning from "H" (Community Shopping and Commercial, etc.) District modified to "G-3" (Public Parking Lots) District (Block "2"), to permit the conversion of the first floor of the existing building from commercial use to seven (7) residential units (Block "1"), and a parking lot on Block "2" of the subject lands, located at 400 York Boulevard (Block "1") and 16 Magill Street (Block "2"), as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) Although the development provides for housing opportunities in close proximity to the downtown, the proposal represents an over intensification of land use in that the lot area is too small for the thirty-three (33) unit apartment building (i.e. 2.5 x lot area is proposed whereas 1.8 x lot area is permitted);

ii) It conflicts with the intent of the York Boulevard Urban Design Guidelines which require retail goods and other pedestrian oriented services on the ground floor facing York Boulevard and the covered walkway for public use has been eliminated;

iii) Although the owner is providing additional required parking at No. 16 Magill Street, off-site parking arrangements cannot be enforced since the parking lot can be sold at any time.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant proposes to convert the first floor (689.8 m^2) of the existing building at 400 York Boulevard from commercial use to seven (7) residential units (Block "1"), and use the existing parking lot across the Street at 16 Magill Street (Block "2") for additional parking.

The four (4) storey building and eighteen (18) underground parking spaces that exist on lands municipally known as 400 York Boulevard (Block "1") was built upon two (2) parcels of land municipally known as 400 York Boulevard and 13 Magill Street. Previously, 13 Magill Street was utilized as seven (7) parking spaces for the development. The applicant has indicated that these lands are no longer part of the their holdings (i.e. 400 York Boulevard and 13 Magill Street never merged on title). Thus, the applicant/owner has purchased 16 Magill Street for additional off-site parking. It is the applicant's intention to develop the property as condominium apartments.

In 1986, the previous owner had received approval for the condominium apartments.

- History of the Site (400 York Boulevard)

From 1986 through to 1989 the previous owner of 400 York Boulevard developed the property as follows:-

- City Initiative 86-T

The Planning and Development Committee, and City Council at their meetings of January 14, 1987, and January 27, 1987, respectively, approved City Initiative 86-T, requesting a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit the construction of a building having

commercial on the ground floor and twenty-two (22) apartment units in the two stories above, for the property located at 400 York Boulevard.

The implementing by-law, By-law 87-78, was appealed to the Ontario Municipal Board. The Ontario Municipal Board, on October 29, 1987, approved the development but eliminated a "bank" as a permitted commercial use.

- Site Plan Control Application DA-87-40

Site Plan Control Application DA-87-40 was approved on July 24, 1987 and proposed as a four (4) storey building (G.F.A. 2120.22 m^2) with underground parking (i.e. twenty-three (23) spaces). The ground floor was to be used for commercial purposes (approx., 430.0 m^2). The remaining three (3) storeys were to be used for apartment units.

- Site Plan Control Application DA-88-16 to amend DA-87-40

Site Plan Control Application DA-88-16 was submitted and approved on May 13, 1988, to modify the approved plans and drawing of DA-87-40. This application reduced the number of residential apartment units from twenty-two (22) to eighteen (18), and reduced the parking available from twenty-three (23) spaces to eighteen (18) spaces. The remainder of the development was unchanged.

- Site Plan Control Application DA-88-138 to amend DA-88-16 and DA-87-40

Subsequently, Site Plan Control Application DA-88-138 was submitted and approved on May 10, 1989, to modify the approved plans and drawing of DA-88-16 and DA-87-40. The applicant, at that time, indicated that the adjacent lot, known as 13 Magill Street was purchased and wished to apply the "E" zoning criteria to permit an additional floor area and (7) seven parking spaces to the development at 400 York Blvd. The development would consist of four (4) storeys having a maximum gross floor area of 2,485.52 m^2 (i.e. 343.60 m^2 of commercial floor area on the ground floor).

- History of the Site at 16 Magill Street

This site was previously owned by the Parking Authority and sold to the current owners in 1997. There was an arrangement to lease some of the spaces to Construction House. Under the current proposal there would be an arrangement between the existing owner and Construction House to lease eight spaces to them.

APPLICANT:

Luft Enterprises Inc., owner.

LOT SIZE AND AREA:

Block "1" - 400 York Boulevard:

- 51.15 m (168 ft.) frontage along York Boulevard; and
- an area of 1,177.6 m^2 (12,675.99 sq. ft.).

Block "2" - 16 Magill Street:

- a width of 23.11 m (75.83 ft.);
- a depth of 33.83 m (110.9); and
- an area of 778.2 m^2 (8,376.74 sq. ft.).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Residential	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified
Surrounding Land Use		
to the north	Single Family Dwellings and Row Houses	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the south	Residential- Multiple Dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified
to the east	Commercial Office	"H" (Community Shopping and Commercial, etc.) District modified
to the west	Commercial	"H" (Community Shopping and Commercial, etc.) District modified

OFFICIAL PLAN:

The subject lands are designated **"Residential"** (Block "1") and **"Commercial"** (Block "2") on Schedule "A" - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

Subsection C.7 - Residential Environment and Housing Policy

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

ii) Alteration of traffic flows;

iii) Improvement and maintenance of street landscaping;

vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas;"

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial & Apartments" (Block "1") and "Commercial" (Block "2") in the approved Strathcona Neighbourhood Plan. If approved, a Neighbourhood Plan Amendment will be required to redesignate the lands at 400 York Boulevard (Block "1") from "Commercial & Apartments" to "Medium Density Apartments". The proposed parking lot (Block "2") complies with the approved Strathcona Neighbourhood Plan.

YORK BOULEVARD URBAN DESIGN GUIDELINES:

The Guidelines require that any development on York Boulevard meet the following requirements:

1. A continuous weather protected pedestrian environment.

2. A continuous pedestrian image.

    i) All buildings (residential included) shall provide retail goods and other pedestrian oriented services on the ground floor facing York Boulevard.

    ii) Car oriented services and parking facilities to any individual property (building) shall be allowed.

    iii) No car access (or exit) from York Boulevard to any individual property (building) shall be allowed.

    iv) All parking areas shall be appropriately buffered from any adjacent residential areas.

3. Setbacks

    i) Between Dundurn Street and Bay Street..... 10 feet.

    ii) Any portion of the building over 9.1 m (30 ft.) is to be set back from 5.79 (19 ft.) to 6.4 m (21 ft.) from the front lot line.

COMMENTS RECEIVED:

- The following Departments and Agencies have no comment or objections:

    - Hamilton Conservation Authority; and,
    - Union Gas.

- The Regional Environment Department, Roads Division has advised that:

"1. The existing road allowance width of York Boulevard is 36.58m and Magill Street is 15.24m. Therefore, we do not anticipate any further road allowance widenings at this time.

2. Due to the reduced road allowance width of Magill Street we require 5m by 5m visibility triangles between the Magill Street road allowance and the edge of the access from the parking area to Magill Street in which the maximum height of any objects or mature vegetation (excluding existing trees) should not exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Magill Street. Therefore, parking spots 1 and 24 should be removed and replaced with curb and sod, etc.

   We also recommend that any fences on lands at No. 16 Magill Street, on the north or south property lines, be set back a minimum of 3.0m from the Magill Street road allowance limits to provide some visibility for motorists entering the municipal sidewalk and street from adjacent lands.

3. The applicant should be advised that no portion of the ornamental patio steel railings, new windows or any new alterations or changes to the building are permitted to encroach within the York Boulevard, Crooks Street or Magill Street road allowances. Should these lands be subject to site plan control, we will provide more detailed comments at that time.

4. Any other works which may occur within the adjacent road allowances must conform to the respective Streets By-laws."

- The Building Department has advised that:

"400 York Boulevard

1. The proposed use of a thirty-three (33) unit multiple dwelling requires to provide a minimum of thirty-three (33) parking spaces and one (3.7m x 18.0m x 4.3m) loading space located on the site.

2. The underground parking layout of eighteen (18) parking spaces has not been provided.

3. The proposed manager office addition on the first floor has eliminated the existing 3.7m x 9.0m x 4.3m loading space on site.

4. Based on the existing "E" District lot area for this site (1177.6 m^2), the maximum gross floor area of 2119.68 m^2, is permitted.

5. The total gross floor area indicated is 2991.0 m^2, which exceeds the maximum permitted.

6. Based on the existing lot area, a minimum of 176.64 m^2 of landscaped area is required. The actual landscaped area has not been indicated.

7. The planter boxes, air condition units and the ornamental iron railings around the patios are not permitted structures within the 3.0m adjacent to York Street.

8. A 1.5m planting strip and a visual barrier of not less than 1.5m and not more than 2.0m in height is required along each lot line abutting a residential district to the north.

9. It appears that the existing building is less than 1.5m from the southerly lot line of the property known as 13 Magill Street therefore will not be able to provide the required planting strip.

10. The dimensions to the proposed wooden decks at the rear of the building have not been indicated to determine if the required planting strip will be provided.

16 Magill Street

1. The land is presently zoned H/S-520a and H/S-481 and S-745. The Site Specific By-Law 80-096 only permits the land to be developed and used for commercial purposes in conjunction with the lands fronting on York Boulevard.

2. To permit required parking spaces off site is not permitted.

3. The proposed "G-3" District is for public parking lots. This lot is for private parking for the proposed use at 400 York Boulevard and should conform to Section 18A Parking Requirements, not Section 13C.

4. Each parking space must be at least 2.7m x 6.0m.

5. The manoeuvring space aisle width must be at least 6.0m wide.

6. The access driveway to each parking space must be at least 5.5m wide.

7. A 1.5m wide planting strip and a visual barrier of not less than 1.2m and not more than 2.0m in height shall be provided along the north and east lot lines.

8. No parking spaces shall be within 6.0m of the front lot line and 3.0m from the northerly lot line."

- The Public Works and Traffic Division has advised that:

"The application is satisfactory subject to the provision that the parking at 16 Magill

Street is used solely for the residents and visitors of 400 York Boulevard. We recommend that the implementing by-law for the proposed change in zoning include conditions to that effect and that the parking area be signed to restrict the use of the parking area to the residents and visitors of 400 York Boulevard.

With reference to the submitted plans, we recommend that the parking area be modified to meet current design standards as shown on the attached plan."

"In addition to our comments of February 24, 1998, further review of the proposed modifications to the existing building indicate that the existing loading space within the building is to be replaced with a manager's office. The elimination of the required loading space will result in all loading activity taking place on Magill Street or York Boulevard which is unacceptable.

Therefore, we recommend that the applicant relocate the proposed manager's office and that the existing loading space be maintained."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The lands at 400 York Boulevard are designated "Commercial & Apartments" in the approved Strathcona Neighbourhood Plan. If approved, a redesignation to "Medium Density Apartments" will be required. The property at 16 Magill Street complies with the "Commercial" designation.

3. The intent of the proposal is to provide housing opportunities on the fringe of the downtown. The building exists today. There will be no increase in the building mass. All renovation will be done to the interiors. However, from a Planning perspective, there are some concerns associated with this development:

   - **Gross Floor Area**

     The building, as originally built had 18 apartment units in three storeys and a portion of the ground floor was used for commercial purposes. Eighteen parking spaces were to be provided underground and one small loading space was provided on the lot. Prior to the building being built, the owner acquired the adjacent property at 13 Magill Street which allowed him to increase the number of residential units to 26 and provide seven parking spaces on this site and one additional parking space underground.

     In the intervening years, the property at 13 Magill Street was no longer part of the development at 400 York Boulevard. In addition, the commercial uses were not viable and it is the owner's intent to convert this space to seven apartment units in addition to the 26 that currently exist. The result is the gross floor area has increased from 1.8 to 2.5 (2119.68 m^2 - permitted vs. 2991 m^2 - existing)

- **Parking Spaces**

  As previously mentioned, with the loss of the property at 13 Magill Street, the number of parking spaces decreased from 26 to 18. The number of parking spaces could no longer meet the Zoning by-law requirements of 1 space per unit.

  As a result, the owner purchased the property at 16 Magill Street from the City in order to provide 20 additional parking spaces. The applicant has advised that eight of the twenty parking spaces, through a lease arrangement, are to be used exclusively by the development immediately fronting York Boulevard (i.e. Construction House).

  It should be noted that off-site parking arrangements are difficult to enforce in that the lot could be sold to another person at any time. The Zoning by-law requires on site parking be provided at a ratio of 1 space per unit whereas the proposal can accommodate 0.5 spaces per unit.

- **Loading Space**

  The proposed development requires one (1) loading space at 3.7 m x 18.0 m x 4.3 m on site, whereas the applicant proposes to accommodate loading activity on the lot at 16 Magill Street. Loading activity within the parking lot at 16 Magill Street would infringe upon the designated parking spaces, thus is unacceptable.

  It should be noted that a site inspection of the existing development/building has revealed that the previous loading space (i.e. 3.7 m x 9.0 m x 4.3 m) provided for the existing building has been enclosed and now forms a proposed manager's office space. The Traffic Division has requested the on site loading space be restored and notes that elimination of the required loading space on site will result in all loading activity taking place on Magill Street or York Boulevard which is unacceptable.

- **York Boulevard Urban Design Guidelines**

  The proposal conflicts with the intent of the York Boulevard Urban Design Guidelines which require retail goods and other pedestrian oriented services on the ground floor facing York Boulevard and the covered walkway for public use has been eliminated.

Since the gross floor area is 0.7 times higher than originally approved; a portion of the required parking is provided off-site and such parking arrangements cannot be effectively enforced; there is no loading space being provided; and the York Street Urban Design Guidelines will not be implemented, the application cannot be supported.

However, should the Committee wish to approve the application, then several modifications are required to the existing by-laws:

York Street

- the gfa will be 2.5 times the lot coverage
- the number of parking spaces will be at a ratio of 0.5 per unit
- the large loading space will be eliminated
- the landscape requirement will be reduced from 15% to 10% of the lot area;
- the setback requirements for the front yard and planting strips will need to be reduced
- the York Street Urban Design Guidelines will have to be modified to eliminate the canopy and to permit residential on the ground floor.

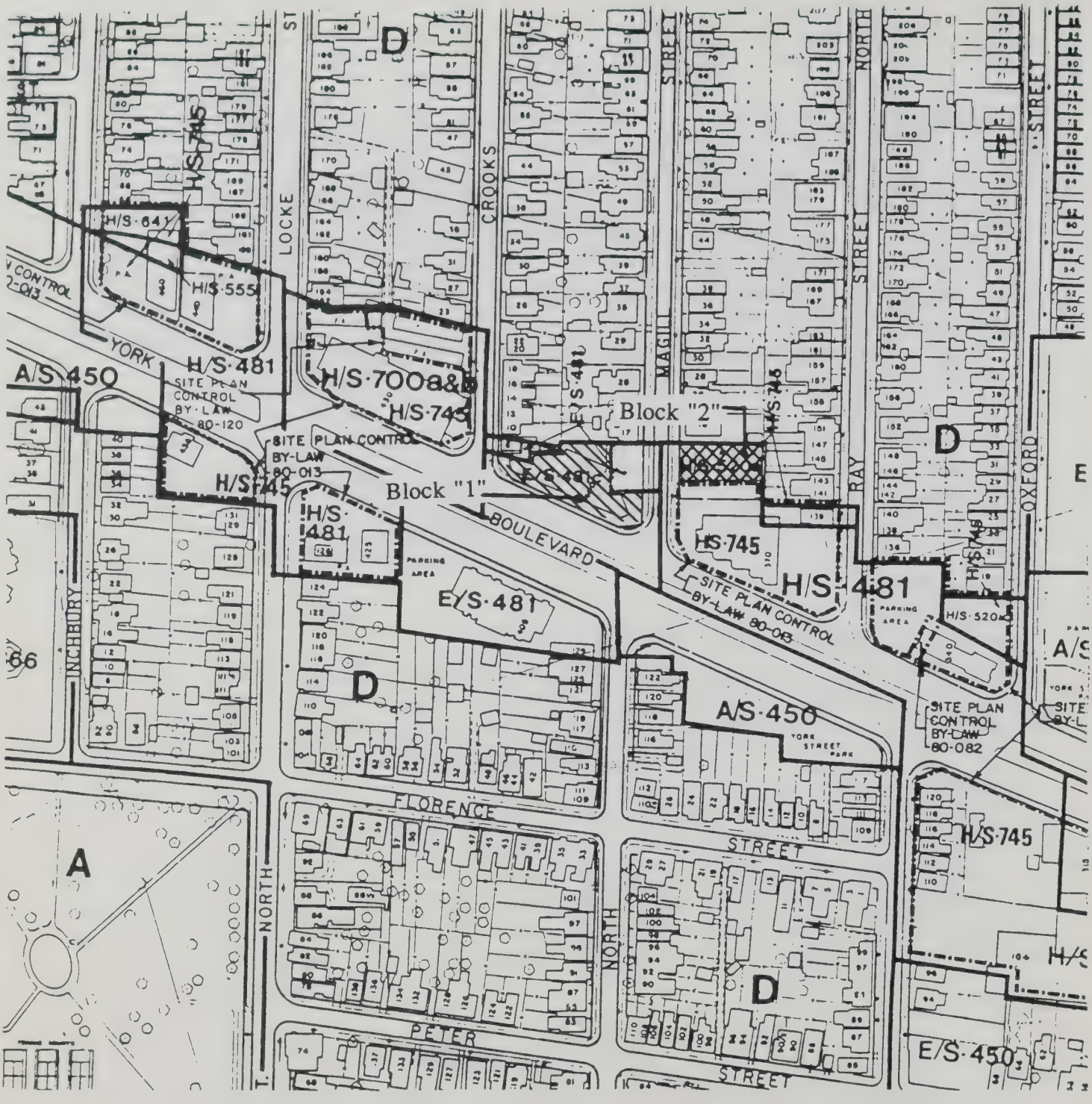
Magill Street

- to require the parking space to be used in conjunction with the property at 400 York Boulevard.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/jhe
JL/jl
ZAC9805



Legend

BLOCK 1 — Further modification to "E" (Multiple Dwellings Lodges, Clubs, etc.) District.

BLOCK 2 — From "H" (Community Shopping and Commercial, etc.) District to "G-3" (Public Parking Lots) District.

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-05
	Date	Drawn By
	FEBRUARY, 1998	R.L.

APPENDIX A

5.

CITY OF HAMILTON

- RECOMMENDATION -

APR 1 0 1998

DATE: 1998 April 15
ZAC-97-31
North End West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for a change and modification in zoning - 520 James Street North

RECOMMENDATION:

(a) That Official Plan Amendment Application by Altco Int'l, owner, to establish a Special Policy Area to permit a sorting/storage warehouse (waste recycling) use for lands known municipally as 520 James Street North, as shown on the attached map marked as APPENDIX "A", be DENIED; and,

(b) That Zoning Application ZAC-97-31, Altco Int'l Inc, owner for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit a range of commercial uses and a sorting/storage warehouse (waste recycling facility), for lands located at 520 James Street North, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) the sorting/storage (waste recycling) use is considered an industrial use and, as such, conflicts with the Official Plan and the approved North End East Neighbourhood Plan which designates the lands "Commercial";

ii) it allows for the continuation of an industrial use in an established residential neighbourhood with significant negative spillover effects including noise, truck traffic, lack of buffering/separation distance from adjacent single family dwellings, potential health/safety hazards, amongst others; and,

iii) approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Official Plan and erode the residential character of the area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  On July 24, 1997, the owner was issued an Order to Comply by the Building Department to:

  > *"Discontinue using the building as a Commercial Warehouse, (recycling facility), or to legalize the present use."*

  As a consequence, the applicant submitted the subject application to rezone the lands from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District to permit a range of commercial uses on the subject lands and to modify the "H" District to permit the existing recycling facility.

- By-law No. 87-27

  City Council, on January 27, 1987, passed By-law No. 87-27 to rezone lands at 522 James Street North (immediately north of the subject lands) from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified to permit a fabricating area and storage for an insulation contractor and an accessory office use.

APPLICANT:

Altco Trading Int'l Inc., owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 30.5 m (100 feet);
- a depth of 64 m (210 feet); and,
- a lot area of .194 ha (.48 acres).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Sorting/storage warehouse (recycling) facility, used clothing, boxing gym	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
Surrounding Lands		
to the north	Yacht sales	"G" (Neighbourhood Shopping Centre, etc.) District, modified
to the east	Single Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the south	Commercial	"G" (Neighbourhood Shopping Centre, etc.) District
to the west	Row Housing	"DE-3" (Multiple Dwellings) District

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,

A.2.2.18 Limited Light Industrial uses may be permitted in association with, and on-site of, a permitted Commercial use, subject to Council being satisfied that:

i) The Commercial activity is the primary use;

ii) The retail use caters to the general public and is not primarily reliant on other industrial or wholesale trade;

iii) Adequate provisions are made for loading facilities, subject to the policies set out in Subsection B.3.3;

iv) Adequate services are available to the site;

v) The use is not noxious by virtue of noise, heat, glare, dust, vibration or other emissions; and,

vi) The use does not interfere with the attractiveness or viability of the area for the primary permitted uses.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.

A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposed sorting/storage warehouse (recycling facility) is not permitted in the "Commercial" designation, therefore the proposal does not comply with the Official Plan. If approved, an Amendment is required to establish a new Special Policy Area to permit the use.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved North End East Neighbourhood Plan. The proposed industrial use is not consistent with existing local commercial uses and, on this basis, conflicts with the approved Neighbourhood Plan and, if approved, would require a redesignation to "Industrial".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advises they have no objection.

- The Building Department has advised that:

"1. An Order to Comply dated July 24, 1997 was issued by this Department to discontinue using the building as a commercial warehouse (recycling facility) or legalize the present use.

2. A sorting warehouse is considered a waste transfer station or a recycling facility, which is not a permitted use in the "H" zone.

3. A warehouse is not a permitted use.

4. A retail store is permitted in the proposed "H" zone, however, see Section 14 for specific uses and regulations and the storage of goods to be sold on the premises if occupancy not more than 25% of the floor area shall be permitted.

5. A second hand goods shop is permitted, restricted to specific articles as specified in Section 14(1)(ix).

6. Parking and loading requirements of Section 18A are to be complied with. Insufficient information provided to determine compliance."

- The Public Works and Traffic Department has advised that:

"We have no objections to the proposed zoning change to permit the existing businesses to continue. The existing businesses have not caused any traffic concerns. We respectively request that the zoning be site specific, allowing only the existing uses.

Allowing a general "H" zoning would allow businesses that generate high traffic volumes and parking demands. The building is existing and has limited parking."

- The Regional Environment Department, Development Engineering Section advises

"The existing and designated road allowance width of James Street North is 20.12m. Therefore, we do not anticipate any further road allowance widenings at this time.

For the information of the applicant/owner, the alley to the rear of the subject lands is private.

The applicant has not submitted any site plans or proposals with this application. Therefore we advise, in the absence of any details shown, that any works within the James Street North road allowance must conform to the City of Hamilton Streets By-law."

COMMENTS:

1. The proposal cannot be supported for the following reasons:

   . the sorting/storage (waste recycling) use is considered an industrial use and, as such, conflicts with the Official Plan and the approved Neighbourhood Plan which designates the subject lands "Commercial";

- it allows for the continuation of an industrial use in an established residential neighbourhood with significant negative spillover effects including noise, truck traffic, lack of buffering/separation distance from adjacent single family dwellings, potential health/safety hazards, amongst others;

- recycling uses are permitted and are more appropriately located in the "K" District. Staff has been directed, as a consequence of the Plastiment fire, to review the zoning by-law regarding recycling/waste management uses to more clearly identify and define such uses and assess their impacts to determine if mitigative measures (location, buffers, separation distances, prohibition, etc.) are required;

- there is an adequate supply of appropriately zoned lands within the Bayfront industrial area where this use could be more appropriately located; and,

- approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Official Plan and the approved Neighbourhood Plan and, erode the residential character of the area.

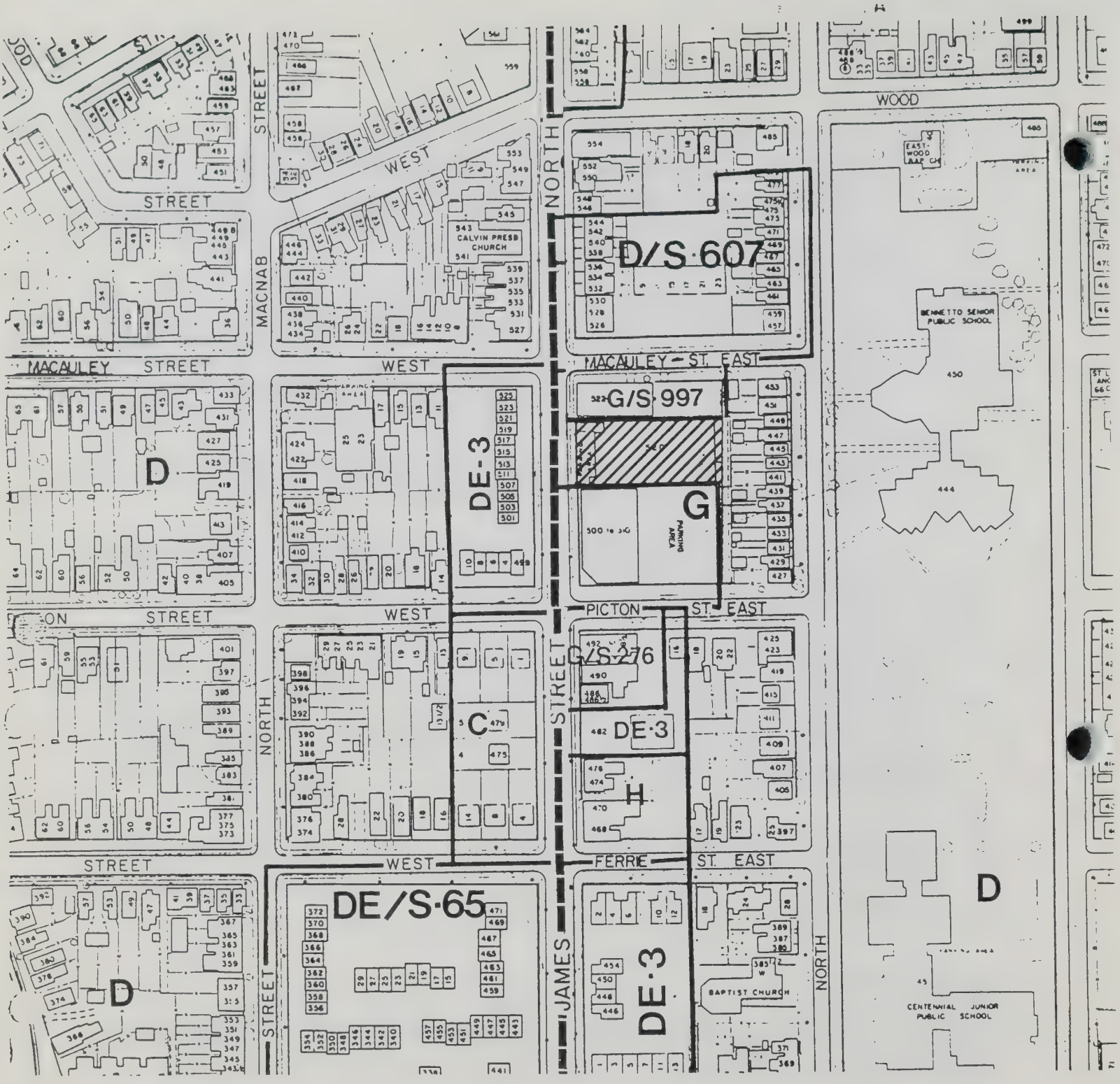
2. The applicant is requesting a rezoning to "H" (Community Shopping and Commercial, etc.) District, modified to permit variety of commercial uses and a sorting storage/warehouse (waste recycling) facility. The rezoning to "H" District is inappropriate. As noted in the Public Works and Traffic Department comments, the straight "H" District would allow uses that generate high traffic volumes and parking (ie. restaurant, liquor or beer store).

   The existing commercial uses (used clothing and boxing gym) or neighbourhood commercial uses serving the adjacent residential area may have merit but should be considered as part of a separate application.

CONCLUSION:

Based on the foregoing, the application for an amendment to the Official Plan and change in zoning cannot be supported.

ZAC-97-31/
CLF



Legend

Site of the Application

Reference File No.

ZAR-97-31

Drawn By	Date
R.L.	Sept. 1997

Scale

Not to Scale

North

5a)

APR 14 1998

51 Macauley Street West
Hamilton
Ontario
L8L 1E8

April 6, 1998

The Corporation of The City of Hamilton
Secretary, Planning and Development Committee
City Hall
71 Main St. West
Hamilton, On.
L8N 3T4

Dear Sir or Madam:

Subject: Application for change in zoning, file number: ZAC-97-31

This letter is to convey my opposition to the proposed change in zoning at 520 James St. North. I am not able to attend the public meeting. I feel it would be detrimental to the neighbourhood to allow this site to be used for a waste recycling facility. The effect would be increased noise, heavy vehicle activity and devaluation of surrounding properties.

There surely is no shortage of suitable locations in the City of Hamilton for this kind of commercial activity. To begin this kind of operation would be out of place with the trend toward recreation, parks, special events/tourism and single family residences which the wider community has enjoyed. No doubt assurances would be forthcoming to dispel any concerns about trucks delivering and picking up these recyclables, but I believe that in fact the location is not suitable for the proposed activity, with its nearby library, school, variety store and homes, which generate high volumes of pedestrian traffic.

This site is currently zoned residential, and surrounded by residences. A suitable use for the site, I feel, would be to build condominiums, houses or low rise apartments, and continue the ongoing modernization and improvement of this community. Its present use as a fitness club and thrift store also seems appropriate to a residential neighbourhood.

Yours truly,

John Goodwin

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary,
Planning & Development Ctte. Date: April 13/98

6.

CITY OF HAMILTON

- RECOMMENDATION -

APR 1 1998

DATE: 1998 April 15
(RHPA-GEN)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: **Proposed Official Plan Amendment - Protection of the Rental Housing Stock**

RECOMMENDATION:

That approval be given to the proposed Official Plan Amendment to establish policies and introduce a new Schedule for the protection of the rental housing stock, on the following basis:

i) That a new Schedule "K" - Local Market Housing Zones be added to the Official Plan;

ii) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 Conversion of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

i) the rental vacancy rate by dwelling/structure type for the respective City and the local market zone has been at or above 2.0% for a minimum of two (2) calender years;

ii) the proposed conversion has not reduced the rental vacancy rate by dwelling/structure type to below 2.0% for the respective City and the local market zone for a minimum of two (2) calender years; and,

iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the respective City and the local market zone for rental units of a similar dwelling/structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria are met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data for vacancy rate, rent charges structures will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local market zones for purposes of analyzing the Hamilton housing market:

a) Downtown/Central Hamilton
b) Central East Hamilton
c) East Hamilton
d) West Hamilton
e) Hamilton Mountain"

iii) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, for submission to the Regional Municipality of Hamilton-Wentworth for approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under the provisions of the Planning Act, a municipality can introduce policies, through an Official Plan Amendment dealing with such matters relating to housing.

BACKGROUND:

- Rental Housing Protection Act (RHPA)

In 1986, the Province introduced the Rental Housing Protection Act. The intent of this legislation was to protect the stock of rental housing in municipalities with a population 50,000 or more. Any building which was to be converted to condominium and any building with more than 4 rental units which was to be demolished, severed, renovated, converted had to receive approval from the respective municipal Council. The Act specified the criteria under which conversion, demolition, etc. could occur. The specific criteria were as follows:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

The Province in previous correspondence to staff noted that "if Council decides to approve the application, Council may wish to use the provisions of Section 11(7) and 24 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

Examples of suitable conditions that have been used in Hamilton and other municipalities included:

- *provision of a first right of refusal to all tenants interested in purchasing their unit.*
- *pricing of units for sale to tenants at the levels set out in the application.*
- *provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.*
- *conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."*

- The Repeal of the Rental Housing Protection Act

  In 1997, the Province introduced "An Act to Consolidate and Revise the Law with respect to Residential Tenancies (Tenant Protection Act)". Our understanding is that this legislation will come into effect sometime in May, 1998. The Act repeals the RHPA and contains provisions aimed at protecting tenants in buildings that are converted from rental tenure to condominium tenure.

  Accordingly, the municipality no longer has the ability to protect the stock of rental housing and the tenants through the RHPA.

- Application Process for Condominium Conversions Under the Condominium Act

  At the present time (up until the new legislation comes into effect), condominium conversion for rental residential buildings are subject to two distinct approvals:

  1) Approval by the City of Hamilton Council was required under the Rental Housing Protection Act. It is at this stage where the analysis of the impact on the supply of affordable rental units was undertaken; and,

  2) Once that approval was given, the owner could apply for the condominium under the Condominium Act. One of the conditions the City established for condominium conversions was the owner to receive a "Certificate of Approval" from the City Clerk under the RHPA. The approval authority for a Plan of Condominium within the context of the RHPA is the City of Hamilton. The approval authority for a new Plan of Condominium is the Region of Hamilton-Wentworth.

  Newer buildings that have no rental units are required to receive approval under the Condominium Act only.

  Once the new legislation is in place, the owners of rental buildings will be required to receive approval under the Condominium Act only. The Condominium Act references the regulations in the Planning Act. As part of the approval of a condominium, it has to comply with the policies in the Official Plan, zoning by-law, etc. Therefore, the impact on the supply of affordable rental housing will be done through one process - Condominium Conversion application.

WHAT OPTIONS ARE AVAILABLE TO THE MUNICIPALITY

There are two options available to the municipality once the Rental Housing Protection Act is repealed.

- Option 1

Under this option, an Official Plan Amendment would be prepared which would incorporate criteria to deal with the impacts of conversions and demolitions on the supply of rental housing. The advantages and disadvantages are listed below:

Advantages

1) It affords the municipality some protection of the rental housing stock;

2) It provides the municipality with objective and defensible criteria to determine what impact the removal of rental units would have on both city wide and localized rental housing stock; and,

3) It informs Council on the implications of condominium conversions on the rental housing marketplace.

Disadvantages

1) The Official Plan is intended to provide clear direction and therefore, it is not a discretionary document. If the criteria are not met, then an Official Plan Amendment will be required.

- Option 2

Under this option, the municipality would not address the impact of condominium conversions and demolitions on the supply of rental housing. The conversions would be regulated through the Condominium Act only.

Advantages

1) In the case of condominium conversion, the application is undertaken in a simplified form with no planning analysis; and,

2) In the case of demolitions, the owner could apply for a demolition permit without the need for planning and rental housing market input.

Disadvantages

1) There would be no mechanism to deal with the impacts on rental housing particularly when the vacancy rate falls below 2.0% and rental housing is in shorter supply; and,

2) If the City decided to entertain an Official Plan Amendment at a later date when the rental housing stock has dwindled, it may be too late to have a balanced, competitive and healthy rental marketplace.

The preferred option is the preparation of an Official Plan Amendment.

SURVEY OF OTHER MUNICIPALITIES IN ONTARIO

The City of Toronto conducted a survey of other municipalities within the Province to determine if they use the Official Plan and other municipal by-laws to protect the rental housing stock. APPENDIX "A" identifies the mechanisms used by 27 municipalities governing rental to condominium conversions.

In summary,

- 5 of 27 municipalities do not have policies at the present time;
- Of the 22 municipalities that have policies dealing with this issue, the following types of polices are identified:

    - 15 municipalities have specific policies in the Official Plan that require a rental vacancy rate of between 2.5% and 3.0%;
    - 2 municipalities require an analysis of the impact on the supply of affordable housing, but no specific vacancy rate is given;
    - 1 municipality requires a vacancy rate of 5.0% through their procedure manual for land use planning; and,
    - 1 municipality deals with the percentage of affordable rental housing in the community.

- 2 municipalities, through Official Plan policies require public meetings be held for conversion to condominiums and 1 municipality requires a public meeting as part of their procedure manual for land use planning;
- 3 municipalities have Official Plan policies to protect tenants and 1 municipality protects tenants through their procedure manual for land use planning;
- 1 municipality has a policy in their procedure manual for land use planning to take into account the availability of similar rental accommodation.

Overall, the majority of municipalities have policies that deal with conversion to condominium, particularly as it relates to the impact on the rental market vacancy rates. Although many municipalities use 3.0% as the target vacancy rate, these municipalities have historically had low rental vacancy rates. Staff believe a vacancy rate of between 2.0% and 3.0% is indicative of a healthy and competitive rental housing market. In this regard, a 2.0% vacancy rate is satisfactory benchmark for the City of Hamilton.

ANALYSIS OF RHPA APPLICATIONS IN THE CITY OF HAMILTON

Since the introduction of the RHPA in 1986, the City has processed 39 applications (total 1,915 units). APPENDIX "B" identifies the number of applications and number of units subject to the RHPA by application type (i.e., demolition, condo conversion, etc.). Two-thirds of the applications were for condominium conversions.

The preceding section outlined the criteria under which Council could approve these applications. The vast majority of the applications were considered under criteria iii) - *in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.*

In June, 1995, City Council approved the criteria under which RHPA applications were to be evaluated. The impact on the supply of the rental housing was broken down into two groups as follows:

Essential Criteria

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular CMHC Zone should be at least two percent (for all units).
3. The vacancy rate for the type of housing should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions of Approval May be Instituted:

1. The availability of potential alternative accommodation will be reviewed in terms of unit type and price.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Many of these applications, which met the criteria for approval, were subject to conditions established by Council. The conditions generally required the owner to provide the existing tenant with a 3 to 7 year option to purchase or lease their current unit, and the rent and purchase price were established once the tenant chose the option to purchase or lease.

ANALYSIS OF CURRENT PLANNING ACT PROVISIONS

- Planning Act and Provincial Policy Statement

  Under Section 2(j) of The Planning Act, municipalities shall have regard for the "adequate provision of a full range of housing".

- Objectives/Basis of an Official Plan Amendment (OPA)

  The City can use the Official Plan as a means of protecting the rental housing stock. This objective can be achieved by identifying criteria under which condominium conversions and demolitions can take place. These criteria could include the following:

  1) maintaining a rental vacancy rate of at least 2.0% both in the City of Hamilton market as well as the local market zones. A vacancy rate of between 2.0% and 3.0% is considered by Canada Mortgage and Housing Corporation and City staff as indicative of a healthy, competitive rental marketplace;

  2) identifying the impact (i.e., changes to the vacancy rate, reduction in rental housing stock, etc.) of the removal of these rental units from the current housing stock; and,

  3) ensuring the rents are at or above the average of rent for the City and the localized market area by unit type (i.e., 1, 2 or 3 bedroom apartments, townhouses, etc.).

  This criteria is derived from the existing policies and procedures the City established through the RHPA legislation. It has been an effective and objective method of identifying the impact on the supply of affordable rental housing.

  It should be noted under the RHPA, severance of rental buildings, conversions to other uses (i.e., apartment hotels, residential care facilities, etc.) and renovations/repairs required approval from the municipality. These applications involved 216 units (11%) out of 1,915 of which approximately 90 units were removed from the rental housing stock. In addition, there was extensive time involved in the processing of these applications. Based on the above, it is felt these types of applications do not warrant policy direction through the Official Plan. On this basis, only condominium conversions and demolitions should be included in an Official Plan Amendment.

Two of the key evaluation criteria in reviewing condominium conversion applications are the rental vacancy rates and level of market rents in the local market area. CMHC data is broken down into the following zones: West End, Downtown, Central, Central East, East and Mountain. For the purposes of our analysis, it would be more appropriate to combine the Central and Downtown zones into one zone to ensure all zones are of a similar geographic size. (see APPENDIX "C")

OFFICIAL PLAN AMENDMENT

The proposed OPA is as follows:

Amend Subsection C.7. by adding the following new policies:

C.7.11 Conversion of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

i) the rental vacancy rate by dwelling/structure type for the respective City and the local market zone has been at or above 2.0% for a minimum of two (2) calender years;

ii) the proposed conversion has not reduced the rental vacancy rate by dwelling/structure type to below 2.0% for the respective City and the local market zone for a minimum of two (2) calender years; and,

iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the respective City and the local market zone for rental units of a similar dwelling/ structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria are met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data for vacancy rate, rent charges structures will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local market zones for purposes of analyzing the Hamilton housing market:

a) Downtown/Central Hamilton
b) Central East Hamilton
c) East Hamilton
d) West Hamilton
e) Hamilton Mountain

WHAT WILL THE IMPACT FOR OWNERS WISHING TO CONVERT TO CONDOMINIUM?

APPENDIX "D" outlines the vacancy rate by dwelling type for both the City and the local market zone. Based on a two year vacancy rate, condominium conversions for apartments will not meet the criteria of the Official Plan Amendment of a 2.0% vacancy rate for Hamilton Mountain, and West Hamilton.

There may be other situations where the rents are considerably lower than the average market rents and for this reason, conversion to condominium or demolition is not appropriate.

Overall, in the event an Official Plan Amendment is required, the conversion to condominium will be a simpler process then the process under the Rental Housing Protection Act.

PUBLIC INPUT

The Planning and Development Department contacted two groups that have a special interest in housing: Social Housing and Access Committee (i.e., comprised of representatives of Housing Help Centre, Social Planning and Research Council, Labourhood, HACTA, etc.) and Hamilton and District Apartment Association.

The Social Housing and Access Committee has advised that:

> "Thank-you for the opportunity to respond to your "Protection of Rental Housing Stock" document. The Social Housing and Access Committee (SHAC) is a coalition of housing providers, housing services, tenants, and interested citizens concerned with the provision of, and access to, housing and social housing in Hamilton-Wentworth. As you may know, SHAC is concerned that the repealing of the Rental Housing Protection Act by the provincial government will result in conversions of rental stock to condominiums, thus decreasing the availability of affordable housing stock for tenants.

We support the Planning Department's recommendation that an Official Plan Amendment be prepared which will incorporate criteria for the decision-making process on the impacts of conversions and demolitions of the supply of rental housing. We feel that this would give the municipality the tools to effectively protect rental housing in areas where it is most needed.

We would further recommend that the municipality set a vacancy rate of 3.0% to ensure adequate choice in supply of affordable rental housing, in their criteria for conversion or demolition. Of particular concern to us is the amount of affordable rental housing for tenants with low incomes who would be adversely affected if their units were converted to condominiums they could not afford to purchase. Therefore, we would also recommend that the 3% vacancy rate apply to levels of rent as well as to geographic areas.

We believe it is the responsibility of the municipality to ensure that the region meets the housing needs of all its citizens. One of the ways this can be accomplished is through careful consideration of any requests for condominium conversions or demolition of existing housing stock.

Thank-you for allowing us to comment on your thoughtful proposal."

The Hamilton and District Apartment Association has advised that:

"For several years our association along with 12 other regional associations including our Ontario Association has been trying to convince the Provincial Governments to repeal or remove the Rental Housing Protection Act and as you know with the introduction of Bill 96 the Tenant Protection Act (TPA) this has been done, along with the repeal of additional acts including the Rent Regulations Act, the Landlord and Tenant Act, the Residential Rent Regulations Act and several other Acts that pertain to our industry.

There are as we see it many advantages to our industry with the repeal of the RHPA as well as to the municipality they being, landlords who wish to convert their rental units to condominiums must work within the Condominium Act and through this Act the municipality will still have some protection of the housing stock via the Official Plan. It would also make it easier for landlords or owners of buildings to demolish or convert with much less red tape, etc. The municipality elected officials will also be informed of any such conversions through any official plan amendments.

Regarding vacancy rates in the City of Hamilton, CHMC indicates that a vacancy rate of 2% and 3% is a competitive rental market place, I would suggest that this is not quite correct, we find in our industry a 2% to 3% market place is still a very tight market place that favours landlords, the market place does not really get competitive until you reach at least a 4% average vacancy using all the areas of the city.

It is however important to note that CHMC do not survey duplexes and when you consider this item into your vacancy rate the percentage figure does increase at least 1/2%, at present we have in Hamilton a vacancy rate average of 4 1/2% as you can note by the ads in the Hamilton Spectator on any weekend there is available in excess of 600 units on the market and in some cases landlords are now giving 1st months rent free to find tenants. I can not foresee a vacancy rate dropping below 4 1/2% at any time in the future.

> In Hamilton at the present time the majority of landlords do not attain the legal maximum rent and have not been able to attain the legal maximum rent for the past several years and at present we see no change in this situation due to the high vacancy rate. With a high vacancy rate you will not see any major rental units of a high rise nature being built but as in the past duplexes will continue to increase as we now have in excess of 7000 duplex units in the city.
>
> I might also point out that tenants that are presently in rental units do have protection under the TPA as the Act will not allow landlords to evict for sale of building or conversion to condominium without proper compensation to the tenant. This will protect the present rental stock for sitting tenants.
>
> In closing I would suggest that the City of Hamilton incorporate into their Official Plan some sort of criteria to work in conjunction with the TPA which will allow the City some input into the control of conversions so long as it does not conflict with the Tenant Protection Act."

Based on the comments received from the two housing groups, the proposed Official Plan policies indicated broad concurrence with the direction and scope of the proposed Official Plan Amendment. As stated previously, increasing the vacancy rate to 3.0% from 2.0% will not have much of an immediate effect since the existing vacancy rates throughout the City, with the exception of the west end and the mountain are above 3.0%

ANALYSIS OF AN ACT TO CONSOLIDATE AND REVISE THE LAW WITH RESPECT TO RESIDENTIAL TENANCIES (TENANT PROTECTION ACT)

As noted previously, the new Provincial legislation provides tenants with some protection in the event rental units are converted to condominium units and units are intended to be repaired/ renovated or demolished. Sections 53 and 54 of the Act states that a tenant cannot be evicted from the unit for the sole purpose of selling the units as a condominium. Sections 55 to 59 require landlords of apartment buildings with five or more units to compensate tenants an amount equal to 3 months rent or provide another acceptable unit in cases where the building is demolished, converted to a non-residential use, severed or requires repairs or renovations.

SUMMARY:

With the repeal of the Rental Housing Protection Act, the municipality no longer has any basis for determining how condominium conversions or demolitions of the rental housing stock will have on the supply of affordable rental housing.

In this regard, it would be appropriate to develop criteria under which the municipality can determine what impacts may result from the loss of rental units. The only planning tool for this analysis is policies in the Official Plan.

An Official Plan policy would work in conjunction with the legislation of the new Tenant Protection Act, thereby providing the tenants and the City with some level of protection should

CONCLUSION:

Based on the foregoing, it is recommended that approval be given to an Official Plan Amendment to incorporate criteria related to the conversion of rental housing units to condominiums or the demolition of rental housing units.

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LOCAL MUNICIPAL POLICIES GOVERNING RENTAL-TO-CONDOMINIUM CONVERSIONS

Municipality	*Where is the policy?*	*The policy*
Town of Ajax	Official Plan	• Required municipal approval
City of Barrie	Policy and Procedures Manual Land Use Planning 02/18/94	• 5% vacancy rate required • 2 public meetings required, with full notification
City of Brampton	City's Corporate Policy Manual Planning and Development Policies Date of Policy: 04/27/87	• Vacancy rate of 3% or greater required • Council shall take into account overall mix of housing types in the City • Council shall take into account the impact of the conversion on the availability of similar rental accommodation • Council shall take into account the impact of conversion on tenants and the potential for displacement
City of Brantford	None	• Intending to rely on PA, but also develop oven policies
City of Cambridge	Official Plan, 1998 Section 9.1.6	• The assessment of the potential effects of conversion including: • Vacancy rate of 3% to indicate an adequate supply of rental housing • Assessment of the no. of new rental units becoming or having become available in the past 12 months • Following conditions must be met: • A public meeting has been held, to which both the owner and all tenants were invited • Tenants have the option to continue leasing their unit for a minimum of one year following conversion
City of Etobicoke	Official Plan Section 2.2.13	• Council will not permit conversion unless the overall vacancy rate exceeds 2%
City of Gloucester	Official Plan Section 6.5.3	• Conversion will be approved only when the vacancy rate exceeds 3% for two successive surveys
City of Guelph	Official Plan Section 3.4.9 - 3.4.10	• Municipality will discourage the conversion of existing rental units when the vacancy rate for rental accommodation is below 3% • Municipality will prohibit conversion when the vacancy rate is below 1.5% • Council will have regard for the impact of the conversion on the rental housing market
City of Hamilton	No policy currently, however there was a policy at the regional level of government	• 2% vacancy rate was previously required by the Regional Municipality of Hamilton-Wentworth

LOCAL MUNICIPAL POLICIES GOVERNING RENTAL-TO-CONDOMINIUM CONVERSIONS (continued)

Municipality	*Where is the policy?*	*The policy*
City of Kingston	Official Plan	• Conversion will be considered to have an adverse affect on the supply of affordable rental housing when the vacancy rate is below 2%
City of Mississauga	Official Plan	• Council will evaluate application for conversion with respect to their impact on the supply of affordable rental housing
City of Nepean	Official Plan	• Vacancy rate must exceed 3%
City of Niagara Falls	Official Plan	• Discourage conversion when vacancy rate below 3%
City of North York	Official Plan Section 2.6.2	• Council will not permit conversion unless the vacancy rate exceeds 2.5%
Town of Oakville	Official Plan Section 3.10	• Conversion will be discouraged when the number of rental units falls below the following targets: • Between 1991 and 1996, 21% rental • Between 1996 and 2001, 25% rental
City of Ottawa	Official Plan	• Conversion not permitted if the rental vacancy rate is below 3% • Application will not be approved if, within a 2 km radius of the proposed conversion, more than 20% of the rental stock will be removed
City of Peterborough	Official Plan Section 4.2.5.4	• Satisfactory incentives must be provided to established tenants allowing them to purchase or remain in unit after conversion
Town of Pickering	Never had such a policy	• Relies on regional policy
City of Sarnia	Official Plan Section 4.9.4	• Consideration will be given to the overall mix of residential housing types • Current vacancy rate for rental accommodation will be regarded
City of Sault Ste. Marie	Never had such a policy	• No new policy will be enacted; will rely on PA
City of Scarborough	Currently no policy; 1975 policy superceded by RHPA	• Previous policy (1975), did not allow for any rental-to-condominium conversions
City of St. Catharines	Official Plan Section 3.1 and 3.2	• No support for conversion unless does not adversely affect the supply of affordable rental housing (municipality will consider current vacancy rates for affordable rental housing to determine adverse effect) • City will have regard to the Provincial target for providing the opportunity for at least 25% of all new housing units being affordable

LOCAL MUNICIPAL POLICIES GOVERNING RENTAL-TO-CONDOMINIUM CONVERSIONS (continued)

Municipality	*Where is the policy?*	*The policy*
City of Stoney Creek	Official Plan Section A.1.2.24	• Vacancy rate of 2% required • No conversion allowed which will lower the vacancy rate below 2%
City of Sudbury	None	• No intent to enact new policy, will rely on PA
City of Toronto	Official Plan Section 6.18	• Conversion will be considered against the public interest if the vacancy rate is below 2.5%
City of Vaughan	Never had such a policy	• Very few apartment buildings in Vaughan, no policy needed
Town of Whitby	Official Plan Section 7.6.5	• Applications for conversion will only be considered when the residential vacancy rate for Whitby and the whole of Durham region is greatet than 3% over two successive rental surveys
City of Windsor	Official Plan Section 8.4	• All existing tenants must be notified of application • All existing tenants must be notified of the mandatory public meeting • The applicant must demonstrate that all existing residents can be accommodated in the new development or relocated to other acceptable rental units

APPENDIX "B"

APPLICATION AND UNITS PROCESSED TO DATE UNDER THE RENTAL HOUSING PROTECTION ACT

As of February 28, 1998

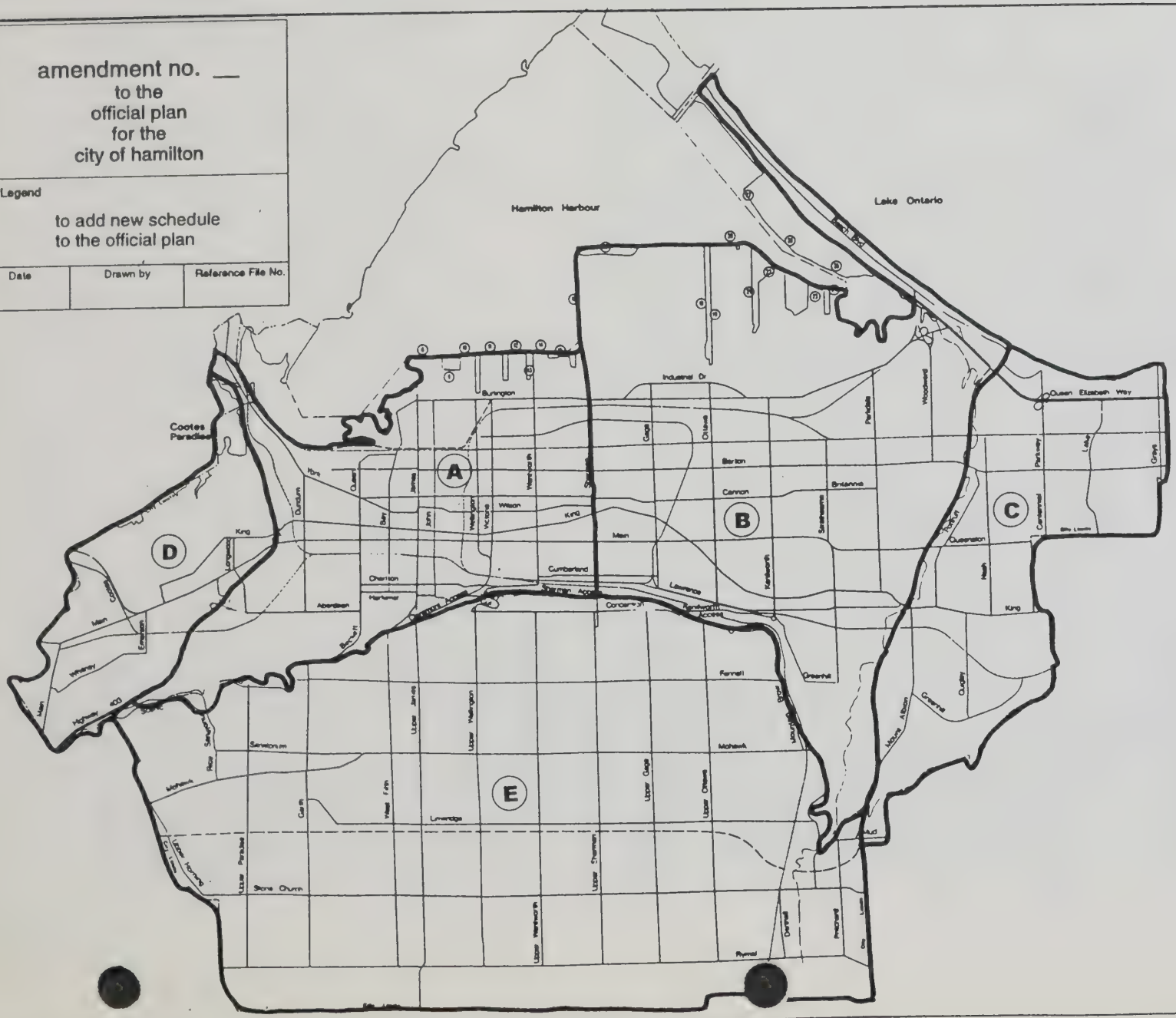
Nature of Application	City Council Decision					
	Approval	Denial	Pending Council Decision	Possible Withdrawal	Total	% of Total
Severance						
- *Units*	28				28	1%
- *Applications*	(3)				(3)	(8%)
Renovation						
- *Units*	127	6			133	7%
- *Applications*	(3)	(1)			(4)	(10%)
Demolition						
- *Units*	67				67	3%
- *Applications*	(4)				(4)	(10%)
Condominium Conversion						
- *Units*	504	109	635	423	1671	87%
- *Applications*	(18)	(3)	(1)	(4)	(26)	(67%)
Conversion to Other Use						
- *Units*	5	11			16	1%
- *Applications*	(1)	(1)			(2)	(5%)
Total						
- *Units*	**731**	**126**	**635**	**423**	**1915**	100%
- *Applications*	(29)	(5)	(1)	(4)	(39)	(100%)
Percentage of Total	(38%)	(7%)	(33%)	(22%)	(100%)	
Total	**731**	**126**	**635**		**1492**	
(Excluding Possible Withdrawals)	(29)	(5)	(1)		(35)	
Percent	(49%)	(8%)	(43%)		(100%)	
(Excluding Possible Withdrawals)						

amendment no. ___
to the
official plan
for the
city of hamilton

Legend

to add new schedule
to the official plan

Date	Drawn by	Reference File No.



Local Housing Market Zones

- (A) Downtown / Central Hamilton
- (B) Central East Hamilton
- (C) East Hamilton
- (D) West Hamilton
- (E) Hamilton Mountain

schedule K

to the official plan
for
the city of hamilton

VACANCY RATE BY DWELLING TYPE AND ZONE

		Apartments (6 units and over)			Row/Townhouse Units		
ZONE	**LOCATION**	**1995**	**1996**	**1997**	**1995**	**1996**	**1997**
1	Hamilton (Downtown Core)	1.8	1.4	3.8	N/A	N/A	N/A
2	Hamilton (Central East)	3.5	6.9	5.8	N/A	N/A	N/A
3	Hamilton (East End)	3.1	2.9	4.3	12.4	18.8	20.2
4	Hamilton (Central)	5.6	5.2	6.1	N/A	N/A	N/A
5	Hamilton (West End)	0.8	1.0	0.7	N/A	N/A	N/A
6	Hamilton (Mountain)	1.0	1.3	1.7	2.0	2.8	3.3
1/4	Hamilton (Downtown Core / Central)	2.6	2.1	4.3	N/A	N/A	N/A
1 to 6	Hamilton City	2.2	2.4	3.5	0.8	8.0	8.7

Source: Canada Mortgage and Housing Corporation, Rental Market Survey Reports

7.

CITY OF HAMILTON

- INFORMATION -

DATE: 1998 April 15
CI-95-E

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Subdivision and Condominium Delegation

BACKGROUND:

City Council, in October, 1995, requested Regional Council to delegate the authority to approve plans of subdivision and condominium to the City of Hamilton. As a streamlining measure, the delegation of authority for subdivision and condominium approval from Regional Council was to be subdelegated to the Director, Planning and Development Department.

In response to City Council's request for the subdelegation of subdivision and condominium approval, the Regional Commissioner of the Environment advised that this matter was premature until such time as the Province had prepared the necessary regulations for the giving of notice for sub-delegation.

In August, 1997, the Minister of Municipal Affairs and Housing issued Ontario Regulation 297/97 which established the notice requirements for the delegation of subdivision approval authority. In accordance with City Council's direction, City of Hamilton Planning Department staff resumed discussions with the Regional staff regarding subdivision delegation. Planning staff from each of the area municipalities were also involved in these discussions.

A tentative agreement for the delegation of the subdivision approval function to the Area Municipalities was negotiated including the clarification of roles and responsibilities. The approval function was intended to be transferred on or about April 1, 1998. Under the proposed system, applications for draft plan approval would be submitted directly to the area municipality. Each municipality would be responsible for:

(a) circulation of the application to the prescribed agencies and departments;
(b) scheduling and holding the required public meeting;
(c) the compilation of the conditions of draft approval;
(d) approving the plan and clearing the conditions of draft plan approval.

It is noted that the City of Hamilton currently holds the public meeting on behalf of the Region as part of the City-Regional best practices agreement.

Upon delegation of subdivision approval to the City, the Region would become a commenting agency. As a streamlining measure, the Regional Environment Department, Planning Division, would serve as the coordinator for Regional comments and conditions and ensuring compliance with Provincial requirements.

In March, 1998, Regional Council's Administrative Structure and Best Practices Steering Committee proposed a change in the governing structure and a realignment of Regional and Area Municipal responsibilities. Due to the nature of the proposed changes, the Regional Environment Department suspended the discussions regarding the delegation of subdivision and condominium approvals to the area municipalities until such time as the municipal restructuring is completed. The consensus of the Area Planning Directors was to table this matter as their respective Councils had not adopted formal positions with respect to subdivision delegation.

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CITY CLERK'S DEPARTMENT

MEMORANDUM

****

TO:	Tina Agnello Secretary Planning and Development Committee	YOUR FILE:	
FROM:	Mr. J. J. Schatz City Clerk City Clerk's Department	OUR FILE: PHONE:	 546-2727
SUBJECT:	Referral back from City Council Official Plan, Zoning and Site Plan Bills for 135 Fennel Avenue West	DATE:	1998 April 15

Council at its meeting of 1998 April 14 referred back the bills regarding the abovenoted property to the Planning and Development Committee. Attached hereto is a copy of the Bills.

attch.

cc. Victor Abraham, Director of Planning and Development
Patrice Noe Johnson, City Solicitor

Bill No. C-61

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Adopt:

Official Plan Amendment No. 147

Respecting:

LANDS LOCATED AT 135 FENNELL AVENUE WEST
WITHIN THE BUCHANAN NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 147 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of A.D. 1998

CITY CLERK MAYOR

(1998) 5 R.P.D.C.(3.a) , March 10
Mohawk College, Owner
OPA-147

Amendment No. 147

to the

City of Hamilton Official Plan

The following text, together with Schedule B, attached hereto, constitute Official Plan Amendment No. 147.

Purpose:

The purpose of this Amendment is to establish a "Special Policy Area" within the "Major Institutional" designation to permit a private recreational facility on a portion of the subject lands.

Location:

The lands affected by this Amendment are a portion of the lands known municipally as No. 135 Fennell Avenue West (Mohawk College), within the Buchanan Neighbourhood.

Basis:

The basis for permitting the private recreational facility is:

1) there is a tennis bubble which has existed on the lands since 1977 and due to its deteriorating condition will be replaced a newer facility. In this regard, the land use will remain the same but the facility will be run privately rather than as public facility run by Mohawk College;

2) it is complements the institutional and residential land use in the area; and,

3) it provides for recreational opportunities in the community.

Actual Changes:

1. The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.71:

   "In addition to the permitted uses set out in Subsection A.2.6 - Major Institutional Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 76, and located on

lands municipally known as 135 Fennell Avenue West (Mohawk College), a private recreational facility shall be permitted on a portion of the lands of Mohawk College.

2. The following be added to Schedule "B" - Special Policy Areas:

- Special Policy Area 76; and;
- "Area 76 refer to Policy A.2.9.3.71" in the legend, as shown on the attached Schedule "B" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98- , passed on the day of , 1998.

The Corporation of the

City of Hamilton

City Clerk

Mayor

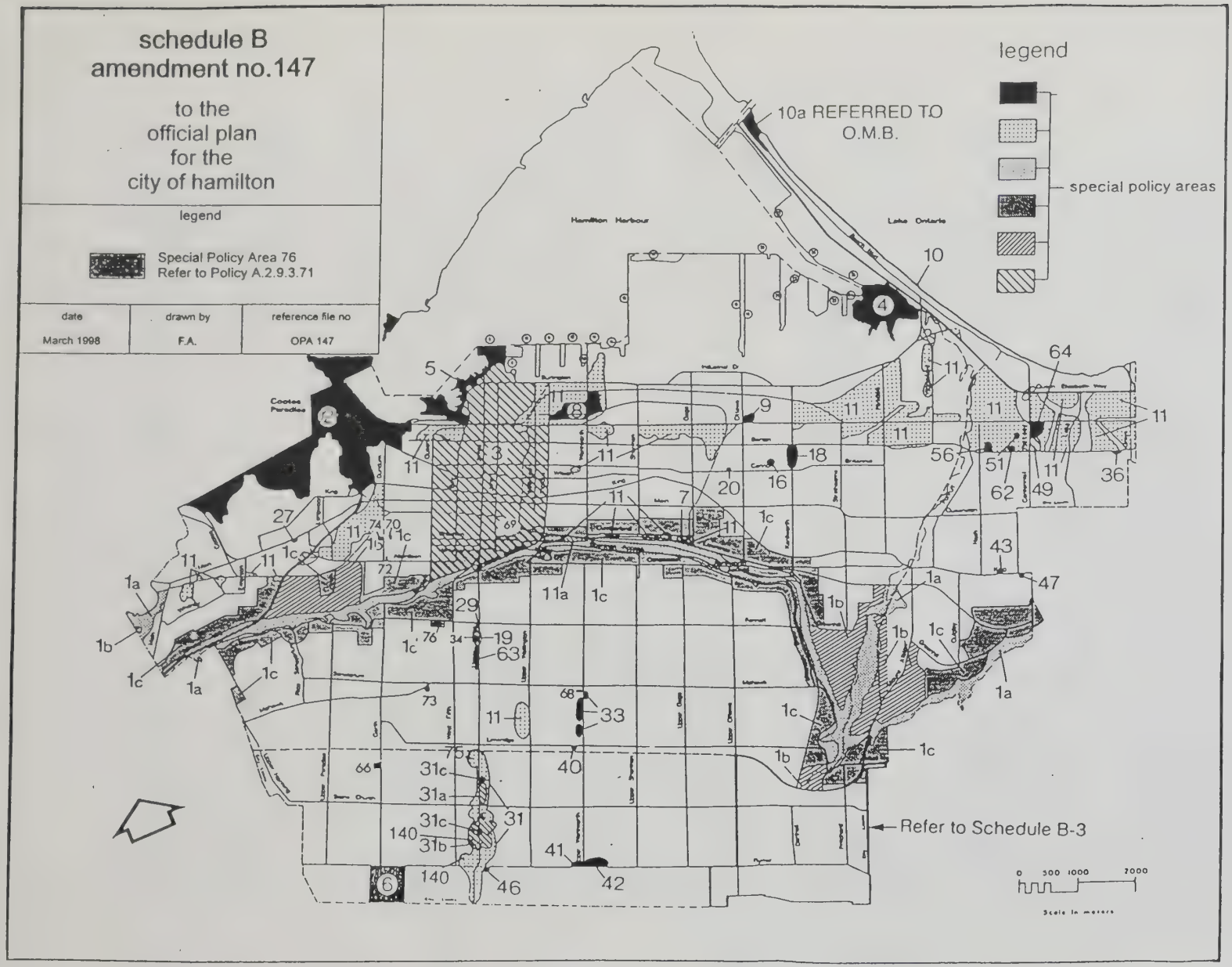
schedule B
amendment no.147

to the
official plan
for the
city of hamilton

legend

Special Policy Area 76
Refer to Policy A.2.9.3.71

date	drawn by	reference file no
March 1998	F.A.	OPA 147



special policy areas

AREA	REFER TO POLICY	AREA	REFER TO POLICY
1(a)	A.2.9.1.	53	"Deleted"
1(b)	A.2.9.1	54	"Deleted"
1(c)	A.2.9.1.	55	A.2.9.3.50.
2	A.2.9.2.	56	A.2.9.3.51.
3	A.2.9.3	62	A.2.9.3.57.
	A.2.9.3.1.	63	A.2.9.3.58
4	A.2.9.3.2.	64	A.2.9.3.59
5	A.2.9.3.3.	65	A.2.9.3.60.
6	A.2.9.3.4.	66	A.2.9.3.61.
7	A.2.9.3.5.	67	A.2.9.3.62.
8	A.2.9.3.6.	68	A.2.9.3.63.
9	A.2.9.3.7.	69	A.2.9.3.64.
10	A.2.9.3.8.	70	A.2.9.3.65
11	A.2.9.3.9.	71	A.2.9.3.66.
11(a)	A.2.9.3.9.	72	A.2.9.3.67.
16	A.2.9.3.14.	73	A.2.9.3.68.
17	"Deleted"	74	A.2.9.3.69.
18	A.2.9.3.16.		
19	A.2.9.3.17.		
20	A.2.9.3.18		
26	A.2.9.3.21.		
27	A.2.9.3.22		
29	A.2.9.3.24.		
30	A.2.9.3.25		
31	A.2.9.3.26.		
31(a)	A.2.9.3.26		
31(b)	A.2.9.3.26.		
31(c)	A.2.9.3.26.		
32	A.2.9.3.27.		
33	A.2.9.3.28		
34	A.2.9.3.29		
35	A.2.9.3.30		
36	A.2.9.3.31		
37	A.2.9.3.32.		
38	"Deleted"		
40	A.2.9.3.35.		
41	A.2.9.3.36		
42	A.2.9.3.37.		
43	A.2.9.3.38.		
45	A.2.9.3.40		
46	A.2.9.3.41.		
47	A.2.9.3.42.		
48	"Deleted"		
49	A.2.9.3.44.		
50	A.2.9.3.45.		
51	A.2.9.3.46.		

For other Special Policy Areas numbers, refer to Schedules: B-1, B-2, and B-3.

schedule B

to the official plan
for
the city of Hamilton

98 01 28

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 135 FENNELL AVENUE WEST

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 147, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "B" (Suburban Agriculture and Residential, etc.) District provisions, as contained in Section 8. of Zoning By-law No. 6593, applicable to the land comprised in Block "1", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) notwithstanding Section 8.(1) of Zoning By-law No. 6593, the following additional uses shall be permitted:

i) a Student Residence accessory to the college located on Block "2", containing a maximum of 250 units, and accommodating a maximum of 500 students;

ii) a fitness centre with a maximum floor area of 270 m^2, which shall be located within the same building and shall be operated as an accessory use to a student residence on Block "1" and/or a college on Block "2";

iii) meeting and seminar rooms, which shall be located within the same building as a student residence, with a combined maximum floor area of 188 m^2;

iv) a private tennis club, provided that the student residence permitted by clause i) shall have a maximum capacity of 180 units, and shall accommodate a maximum of 360 students.

(b) notwithstanding Section 8.(2) of Zoning By-law No. 6593, no building shall exceed a height of 5 storeys;

(c) notwithstanding Section 8.(3)(i) of Zoning By-law No. 6593, a front yard of a depth of at least 19 m shall be provided and maintained;

(d) notwithstanding Section 18A. of Zoning By-law No. 6593, a portion of the required parking and manoeuvring spaces for the permitted uses on Block "1", may be provided and maintained on Block "2"; and,

(e) Section 18A.(11) and 18A.(12) of Zoning By-law No. 6593 shall not apply to the parking areas abutting the southerly and easterly boundaries of Block "1".

2. That the "B" (Suburban Agriculture and Residential, etc.) District provisions, as contained in Section 8. of Zoning By-law No. 6593, applicable to the land comprised in Block "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) notwithstanding Section 8.(1) of Zoning By-law No. 6593, parking accessory to a permitted use on Block "1", shall be permitted on Block "2";

(b) Section 18A.(11) and 18A.(12) of Zoning By-law No. 6593 shall not apply to the parking areas on Block "2", abutting the southerly and easterly boundaries of Block "1";

(c) notwithstanding Section 18A.(11) and 18A.(12) of Zoning By-law No. 6593, a minimum 6 m wide planting strip shall be provided and maintained along the southerly lot line of Block "2", beginning at the south west corner of Block "2", for a minimum distance of 445 m easterly.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "B" District provisions, subject to the special requirements referred to in sections 1 and 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1399.

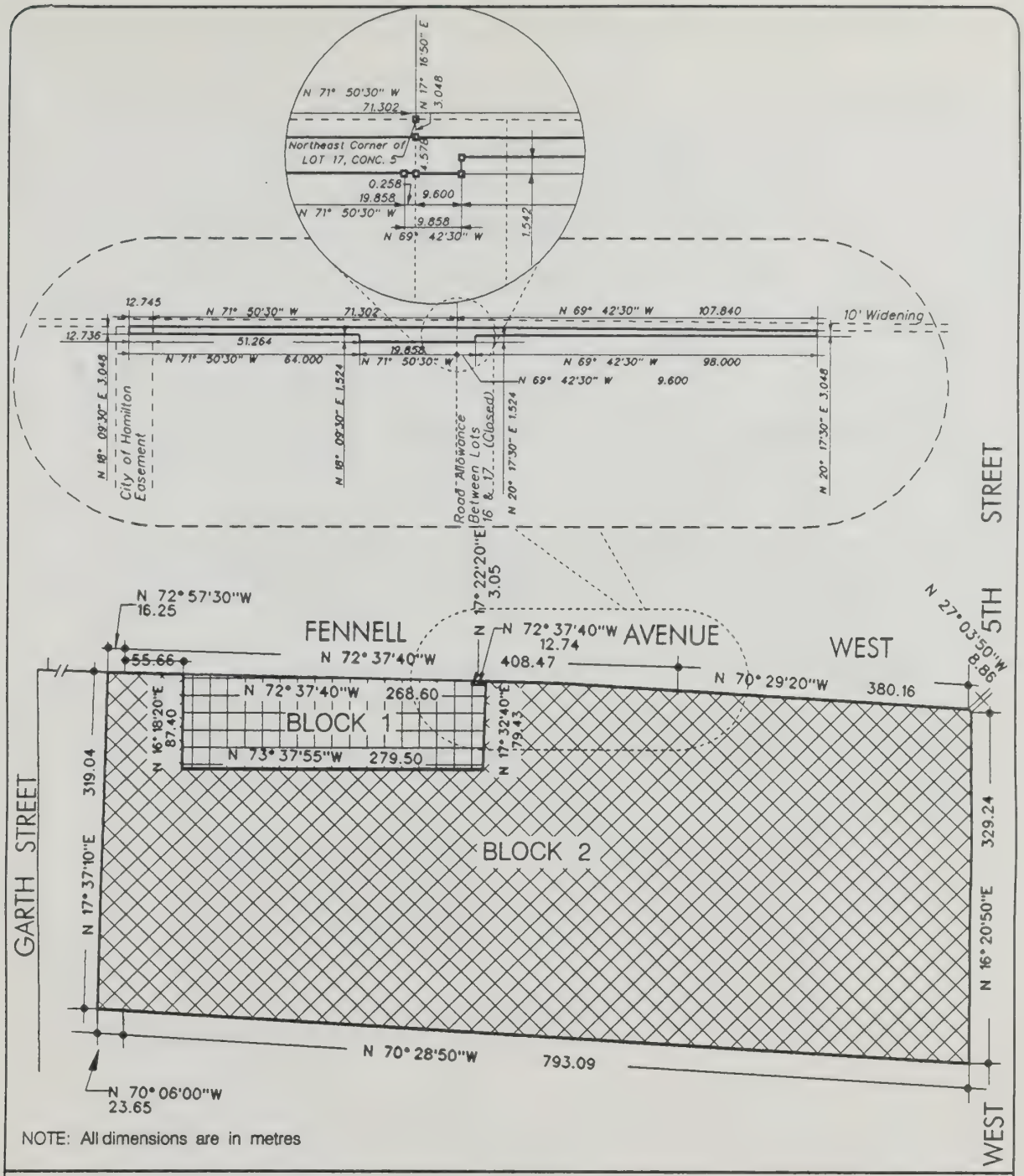
5. Sheets No. W-15 and W-16 of the District Maps are amended by marking the lands referred to in sections 1 and 2 of this by-law, S-1399.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1998

CITY CLERK MAYOR

(1998) 5 R.P.D.C. 16, March 10
Mohawk College of Applied Arts and Technology, Owner
Amended ZAC-97-28



NOTE: All dimensions are in metres

This Is Schedule "A" to By–Law No. 98–.....
Passed the ..... day of ....., 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By–Law No. 98–____

to Amend By–Law No. 6593

Planning and Development Department

Legend

BLOCK 1

BLOCK 2

Proposed modification to the established "B" (Suburban Agriculture and Residential, etc.) District.

North	Scale	Reference File No.
	NOT TO SCALE	ZAC–97–28
	Date	Drawn By
	MARCH 1998	B. B.

Bill No. C-63

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 135 FENNELL AVENUE WEST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

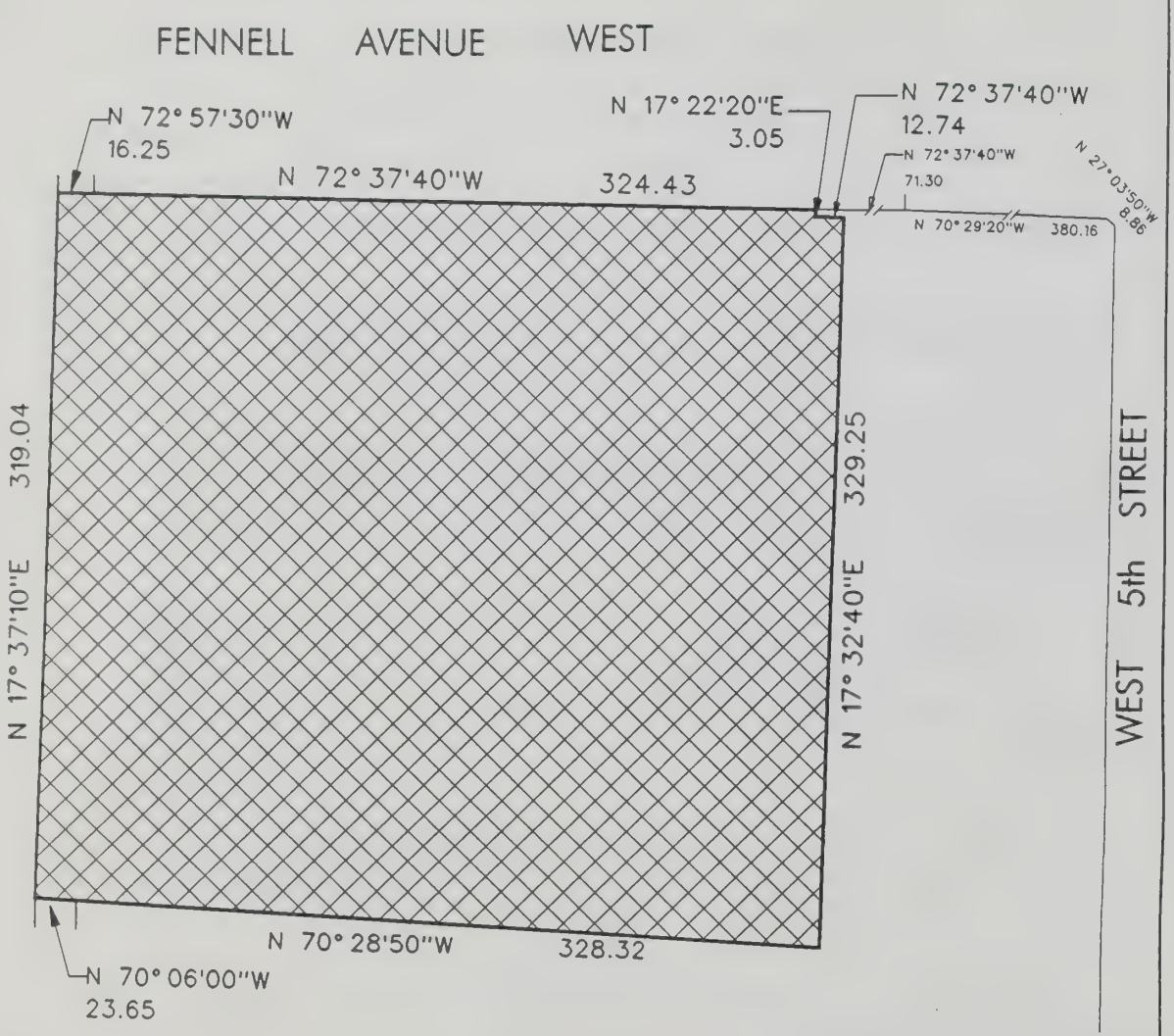
   172. Land located at Municipal No. 135 Fennell Avenue West, shown on Appendix 172 hereto annexed and forming part of this by-law.

2. Appendix 172 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1998

CITY CLERK MAYOR

(1998) 5 R.P.D.C. 16, March 10
Mohawk College of Applied Arts and Technology , Owner
Amended ZAC-97-28



NOTE: All dimensions are in metres

This is Schedule "A" to By–Law No. 98–.....
Passed the ..... day of ..... , 1998.

Clerk

Mayor

City of Hamilton

Appendix 172

to the By–Law No. 79–275

as Amended by By–Law No. 87–223

Planning and Development Department

Legend

Lands designated under this By–Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R. S. O. 1990.

North	Scale	Reference File No.
	NOT TO SCALE	ZAC–97–28
	Date	Drawn By
	MARCH 1998	B. B.

Tabled by Committee 1998 March 25

9.

CITY OF HAMILTON

- RECOMMENDATION -

MAR 13 1998

DATE: 1998 March 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
49 ROYAL AVENUE - Tag Number 98-101706
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 49 Royal Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-1335, 1335a

PRESENT USE: Vacant Single Family Dwelling

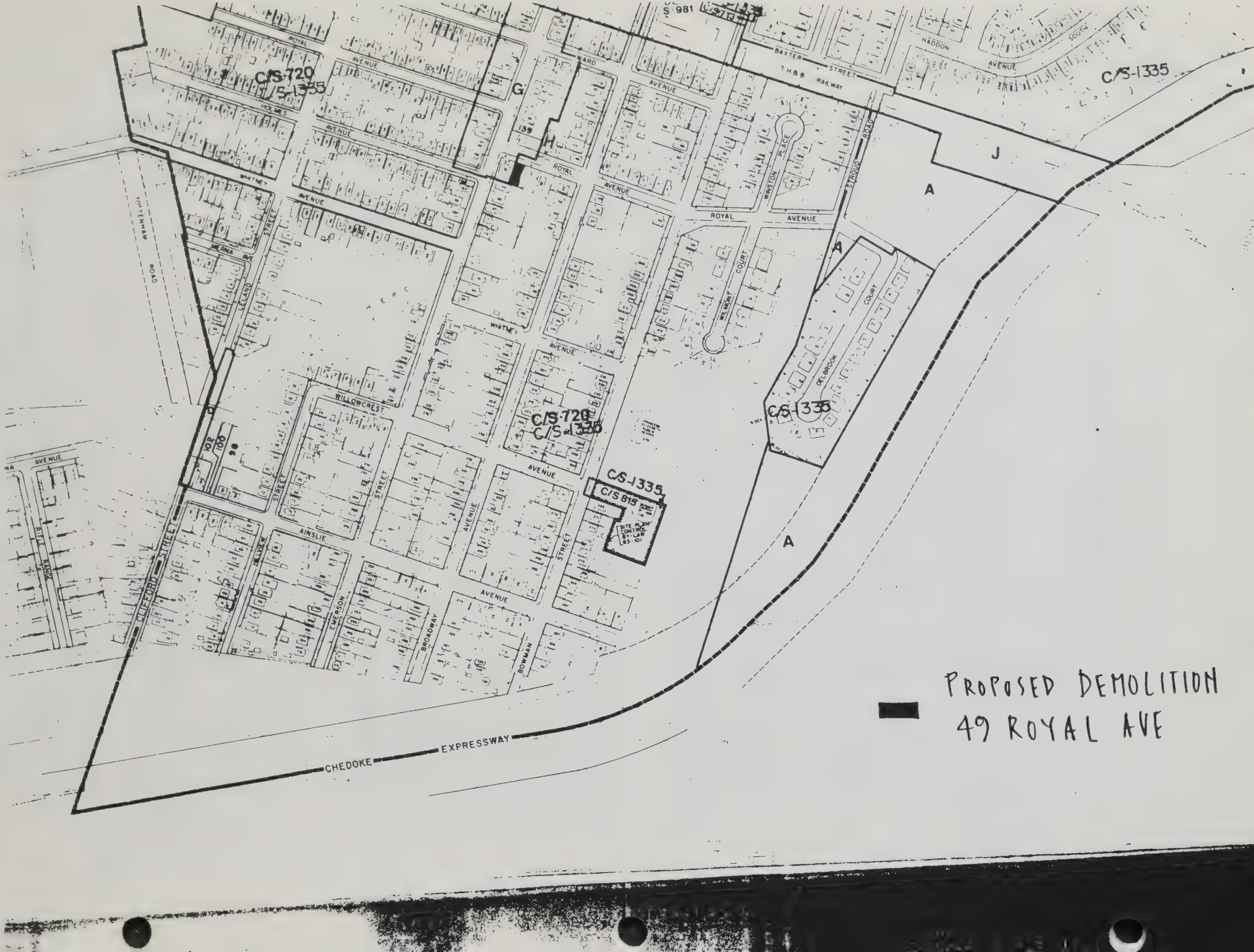
PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: The owner proposes to demolish the one-storey vinyl sided single family dwelling and leave the land vacant. This property is located in the "Ainslie Wood East" Neighbourhood (please see attached neighbourhood map) and is located in Ward 1. No LACAC interest. Lot size 25.0' x 80.0'.

The owner of the property and applicant as per the demolition permit is:

Chris Lulgjuraj
169 Rifle Range Road
Hamilton, Ontario L8S 2Y1

FP/zr


C/S-720
C/S-1335
C/S-1335
C/S 815
C/S-1335
C/S-1335
C/S-1335
PROPOSED DEMOLITION
49 ROYAL AVE
CHEDOKE EXPRESSWAY
CLIFFORD STREET
TOTTENHAM ROAD
BAXTER STREET
THBB RAILWAY
ROYAL AVENUE
WILLOWCREST STREET
AINSLIE AVENUE
BROADWAY AVENUE
EMERSON AVENUE
BOWMAN AVENUE
WILMONT COURT
DELBROOK COURT
WINSTON PLACE
STRADLING ROAD
HADDON AVENUE SOUTH
HOLMES AVENUE
WHITNEY AVENUE
LEGARD AVENUE
WARD AVENUE
WHITE AVENUE
MCVEAN AVENUE
BLUE RANGE AVENUE
A
G
J

Re: 49 Royal
Submitted at PD Mtg
1998, March 25

March 19/98

Mr Frank D'Amico
Chairman of Planning & Development,
The City of Hamilton
City Hall
Hamilton, Ont
L8N 3T4

Dear Mr Chairman,
Re application to demolish 49 Royal Ave,

We strongly object to this proposed application to demolish this house.

The applicant plans to leave the land empty. This will have a negative effect on the residential amenity.

The owner's father, Mike Kalogiros, owns a small neighbourhood Sports Bar located at 151 Emerson St. in the city of Hamilton's west end, next door to the property that is being asked to be demolished. In aug 1996 Mr Kalogiros applied to the Committee of Adjustment for a variance to provide for only four parking spaces on site instead of the nine parking spaces required in the zoning by-law, to increase his restaurant size from 30 seats to 50 seats plus an open patio deck. Sixty-five residents in the area signed a petition opposing this expansion. All the variances requested by the owner were denied by the OMB Board. March 5/97 The Board was satisfied that some of the parking deficiency for this site has spilled onto the neighbouring streets & has a negative impact on the neighbourhood

If this demolition is allowed, what is to prevent the owner from using the empty space to add additional parking to his restaurant? Patrons may start parking illegally on a residential property. This would not fit with the general intent, purpose of the Official Plan, as it would not provide sufficient spacing to maintain privacy, amenity and value. It would not maintain or enhance the residential character of the neighbourhood.

This House at 49 Royal has historic value to the West Hamilton Community. It was built in 1908, was the first Post Office in the area. The owner knew the house was not liveable when he bought it. The restaurant wants to expand. The owner needs to provide sufficient parking on site to enable him to expand. We object because this would be detrimental to streetlandscaping to have an empty lot. There would be a negative visual impact on the residents in the area.

In a demolition control area, you cannot demolish a residential property until a building permit for new construction has been issued. This is to protect the housing stock. We ask that this application be denied to leave an empty lot that could be used as parking.

102 Wood Ave. Hamilton

Bianca CHAMPAGNE

Robert Richard	106 Wood Ave	L8S-2E9
Carol Richard	106 Wood Ave	L8S 2E9
Sarah Richard	106 Wood Ave	L8S 2E9
Mark Akers	114 Royal Ave	L8S 2C5
Erin Akers	114 Royal Ave	L8S 2C5
Jim & Mrs Brennan	111 Royal Ave	
Dorothy Smith	98 Royal	
Donald Smith	98 Royal	
Norm Sams	89 Royal Ave	
Dee Sams	89 Royal Ave	
Rick Brock	120 Emerson St	L8S 2X8
Edna Brock	120 Emerson St.	L8S 2X8
Jim Harris	171 Emerson St Ham.	L8S-2Y1
Harris, Avery	171 Emerson St	L8S 2Y1



House to be torn down 49 Royal



West End Sports Bar next 49 Royal
that wants to expand.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 April 22
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 March 25

B. BUILDING COMMISSIONER

(i) 1478 Upper James St - demolition

(ii) 34 Crockett St - demolition

(iii) 87-89 King St East - Sale of Kit Kat Building

C. DIRECTOR OF PLANNING AND DEVELOPMENT

i) "Brigadoon Park", Hamilton, "Wellington Meadows - Phase 1", Hamilton, "Wisemount Estates - Phase 10", Hamilton - (Cash Payment in Lieu of 5% Parkland Dedication)

ii) Amended Resolution for ZAC-98-03, 243 Fennell Avenue East,(deletion of holding provision)

D. LOCAL ARCHITECTURAL ADVISORY COMMITTEE

(i) St. Mark's Centre - Repairs to Roof and Re-Examination of potential Uses

(ii) Disposition of Lands on Escarpment Brow - Comprehensive Plan for Future Use

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1998 March 25
9:30 o'clock p.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:
Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman B. Charters
Alderman B. Kelly
Alderman F. Eisenberger

Also present:
Alderman M. Kiss
Victor Abraham, Director of Planning and Development Department
Paul Mallard, Planning and Development Department
Nina Chapple, Planning and Development Department
Vanessa Gruppe, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Mary Lou Tanner, Planning and Development Department
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Peter Lampman, Building Department
Mark Mascarenhas, Building Dept., Housing and Loans Div.
Kevin Nutley, City Clerk's Department, Real Estate Div.
Tina Agnello, Secretary

The Chairman welcomed Deborah Edwards, an instructor at Mohawk College in the Media and Journalism course, and her class to the meeting.

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. Barton Village Community Improvement Plan for the Expanded Area of the Barton Village Community Improvement Project Area.

As recommended in a report from the Commissioner of the Department of Public Works and Traffic dated 1998 March 18, the Committee recommended to Council as follows:

(a) That the Barton Village Community Improvement Plan for the expanded area of the Barton Village Community Improvement Project Area, attached as Appendix "A" be adopted, in order to implement the Commercial Property Improvement Loan Program and the Barton Street Revitalization Program; and,

(b) That the Barton Village Community Improvement Plan for the expanded area of the Barton Village Community Improvement Project Area be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

(c) That the City Solicitor be authorized and directed to prepare the requisite By-law for (a) above.

2. **Main Street West Community Improvement Plan for the Expanded Area of the Main Street West Community Improvement Project Area.**

As recommended in a report from the Commissioner of the Department of Public Works and Traffic dated 1998 March 17, the Committee recommended to Council as follows:

(a) That the Main Street West Community Improvement Plan for the expanded area of the Main Street West Community Improvement Project Area, attached as Appendix "B", be adopted, in order to implement the Commercial Property Improvement Loan Program; and,

(b) That the Main Street West Community Improvement Plan for the expanded area of the Main Street West Community Improvement Project Area be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

(c) That the City Solicitor be authorized and directed to prepare the requisite By-law for (a) above.

3. **Downtown Hamilton Business Improvement Area's Community Improvement Plan for the Expanded Area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area.**

As recommended in a report from the Commissioner of the Department of Public Works and Traffic dated 1998 March 17, the Committee recommended to Council as follows:

(a) That the Downtown Hamilton Business Improvement Area's Community Improvement Plan for the expanded area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area, attached as Appendix "C", be adopted, in order to implement the Commercial Property Improvement Loan Program; and,

(b) That the Downtown Hamilton Business Improvement Area's Community Improvement Plan for the expanded area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area, be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

(c) That the City Solicitor be authorized and directed to prepare the requisite By-law for (a) above.

4. Downtown Hamilton Community Improvement Plan Amendments

Mary Lou Tanner was present. She stated that the amendment proposes to add entertainment as a goal in the downtown core and also a series of regeneration plans. Family entertainment will be pursued as a main goal.

An amendment was put forward and approved to include the word "family" prior to "entertainment" in the recommendation.

As recommended in a report from the Director of Planning and Development dated 1998 March 17, the Committee recommended to Council the following, as amended:

That the Downtown Hamilton Community Improvement Plan be amended, on the following basis:

(a) Section 4.e): Add the words "family entertainment" after the word "cultural" in the second line so that the entire clause now reads: "to promote the continued development of the Downtown as the primary business, office, cultural, family entertainment, and administrative centre for the City and Region."

(b) That the following be added as Section 5.1:

5.1 REGENERATION STRATEGIES

a) municipal land acquisition for the purposes of redevelopment of lands within the Community Improvement Project Area;

b) disposition, including sale, lease, or otherwise, of municipal land within the Community Improvement Project Area for the purpose of achieving the goals and objectives of this Plan;

c) soliciting interest and participation from private or public/private development corporations for redevelopment opportunities for municipal and non-municipal land or land disposition including sale, lease, or otherwise, which may include the following methods: requests for proposals, expressions of interest, requests for qualifications;

d) the criteria to guide decisions with regard to redevelopment within the Community Improvement Project Area in order to achieve the goals and objectives of this plan shall include, but not be limited to, the following:

i) improvement of downtown Hamilton as the primary business, office, cultural, entertainment, and administrative centre for the City and the Region;

ii) improvement of the streetscape, provision of a street presence, and street level pedestrian focus for redevelopment;

iii) contribution to the economic growth of downtown Hamilton;

iv) rehabilitation of existing buildings, where appropriate;

v) municipal financial risk and exposure to loss are minimized;

vi) securing of appropriate businesses to be located in Downtown Hamilton to contribute to the economic viability of the area;

e) the City may provide relief from fees, levies, and charges associated with redevelopment;

f) other strategies consistent with the goals and objectives of this Plan.

5. **Zoning Application 97-39, by Hampshire Properties Limited, Owner, for a Change in Zoning from "CR-1" District to "HH" District, Modified, for Lands Located at 1317 Upper James Street.**

A submission was received from Robert C. and Mary Lou Dickson, 111 Stone Church Road East, Hamilton.

The agent was present on behalf of the applicant.

Paul Mallard advised that the OPA applies to a narrow strip at the rear of the property. It is a draft approved plan of subdivision of lots. It will facilitate consistent zoning. There are requirements for set backs and landscaping.

Of 65 notices sent, 4 people replied in favour and 2 opposed.

In response to a question from Alderman Copps, Paul Mallard advised that a public meeting has been held regarding the Neighbourhood Plan in this area. Alderman Copps stated that we should listen to the concerns of the neighbours, such as the letter before the Committee.

Alderman Kelly stated that, if turned down, it will leave a gap in this area. The development is compatible and ties well into the abutting area uses.

As recommended in a report from the Director of Planning and Development dated 1998 March 17, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 148 to redesignate the rear portion of the lands located at the front of No. 1317 Upper James Street from "Residential" to "Commercial" and to redesignate the entire subject lands from "Special Policy Area 31a" to "Special Policy Area 31", as shown on the attached Appendix "D", and

that the Director of Planning and Development be directed to prepare the By-law of Adoption in accordance with Section 22 of the Planning Act, for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Zoning Application 97-39, Hampshire Properties Limited, owner, for a change in zoning from "CR-1" (Commercial - Residential) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit commercial development for lands located at the front of No. 1317 Upper James Street, as shown on the attached map marked as Appendix "E", on the following basis:

(i) That the subject lands be rezoned from "CR-1" (Commercial - Residential) District, modified, to "HH" (Restricted Community Shopping and Commercial) District, modified; and,

(ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:

(1) Notwithstanding Section 14A(3)(a), a front yard depth of at least 24 m shall be provided and maintained; and,

(2) A landscaped planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district; and,

(3) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire easterly lot line of the "HH" District, where it abuts a residential district; and,

(4) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access; and,

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1401, and that the subject lands on Zoning District Map E-9C be notated S-1401; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

(v) That the proposed modification in zoning will be in conformity with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. 148 by the Regional Municipality of Hamilton-Wentworth; and,

(c) That upon finalization of the implementing By-law, the Jerome Neighbourhood Plan be amended by redesignating the subject lands from "Commercial and Apartments" to "Commercial".

* Alderman Copps opposed.

6. **Zoning Application 98-07, by Ontario Pride Construction Ltd., Owner, for a Change in Zoning from "D" District to "DE" District and for a Modification in Zoning to the Established "D" District for Lands Located at 30-36 Margaret Street.**

Paul Mallard advised that this is a conversion of a former toy factory into 11 condo units and it also recognizes the existing two semi-detached dwellings on the property. A number of variances are required recognizing the existing buildings which are on the property.

Of 391 notices sent, 19 replied in favour and 7 opposed.

He noted that a holding provision should be applied regarding potential contamination of the site.

Jim Pauls, agent on behalf of the applicant, of 950 Fennell Avenue East, Hamilton, was present.

Daniel Beaudoin, 28 Margaret Street, Hamilton, was present. He had several concerns. He owns the property abutting the rear of this property.

In response to a question from Mr. Beaudoin, Paul Mallard advised that if the semis were torn down there would be an opportunity to rebuild.

Mr. Beaudoin was concerned about lighting and outside balconies. Mr. Mallard advised that they will try to keep the lighting as unobtrusive as possible. With regard to the balconies, they will be dealt with in the site plan approval.

Mr. Beaudoin was also concerned with permit parking on the street. Mr. Mallard advised that 11 on-site parking places are being required.

Larry Taylor, 37 Strathcona Avenue, Hamilton, was present. His property is at the rear of the property which abuts to the alley. He stated that he has already lost some access to the alley and does not want to loose the alley completely.

Ray Zwerber, 23 Strathcona Avenue, Hamilton, was present. He stated that he has traffic concerns and he also requested that the alleyway be paved at the cost of the developer. He stated that the two semis should be torn down to make more parking.

Eugene Chajka stated that the alley is a public unassumed and that because it is public and unassumed the City cannot guarantee free and direct access. The residents can petition the City to assume the alleyway as a right of way.

Mr. Pauls stated that there is no access from the property to the alleyway. He also stated that he does not foresee extra traffic since the units will be occupied generally by couples. In response to a question he advised that the units will be sold and not rented. He also advised that one fence will be erected dividing his property from others.

Alderman Kiss stated that she does not have a high comfort level with this. She is concerned with the parking and there being no loading area. She stated that 25% of landscaping is not adequate and that the driveway access is not big enough. Alderman Copps said that there should be an attempt to upgrade the neighbourhood.

Patricia Parkin, 39 Strathcona Avenue, Hamilton, was present. She was upset about the potential increase of traffic to the abutting streets and to the alleyway not only from the residents but from visitors.

Alderman Kelly advised that this is Brownfield Development. It is an attempt to recoup industrial property. The developer has been trying to work with the residents to alleviate any of their concerns. Site plan control will address many of the concerns.

As recommended in a report from the Director of Planning and Development dated 1998 March 16, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application ZAC-98-07, Ontario Pride Construction Ltd. owner, for a change in zoning from "D" (Urban Protected Residential - One and Two Family, etc.) District to "DE" - 'H' (Low Density Multiple Apartments - Holding) District (Block 1) and for a modification in zoning to the established "D" (Urban Protected Residential - One and Two Family, etc.) District (Block 2) for lands located at 30 - 36 Margaret Street, as shown on the attached map marked as Appendix "F", on the following basis:

(i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family, etc.) District to "DE" - 'H' (Low Density Multiple Apartments - Holding) District; and,

(ii) That the amending By-law applicable to Block "1" apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner submits a signed Record of Site Condition (RCS) to the Region of Hamilton-Wentworth and the Ministry of Environment, to the satisfaction of the Region of Hamilton-Wentworth, including an acknowledgement of receipt of the RSC by the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the "DE" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled; and,

(iii) That the "DE" (Low Density Multiple Apartments) District regulations as contained in Section 10A of Zoning By-law No. 6593, applicable to the lands shown as Block "1", be modified to include the following variances, as special requirements:

(1) That the building existing at the time of the passing of this By-law, known municipally as 36 Margaret Street, shall provide and maintain the following setbacks:

(a) 0.70 metres from the easterly lot line; and,
(b) 0.40 metres from the southerly lot line; and,
(c) 3.50 metres from the northerly lot line; and,
(d) 0.00 metres from the westerly lot line; and,

(2) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:

a) a multiple dwelling containing a maximum of 11 Class A dwelling units within the building existing at the time of the passing of the By-law; and,

(3) That Section 10A.(5) of Zoning By-law No. 6593 shall not apply; and,

(4) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 11 parking spaces shall be provided and maintained; and,

(5) That notwithstanding Section 18A.(11) of Zoning By-law No. 6593, the boundary of every parking and manoeuvring area shall provide and maintain the following setbacks:

(a) not less than 0.50 metres from the easterly limits of Block "1"; and,
(b) not less than 0.50 metres from the northerly limits of Block "1"; and,
(c) not less than 0.0 metres from the westerly limits of Block "1"; and,

(6) That notwithstanding Section 18A.(24)(b) of Zoning By-law No. 6593, a mutual access driveway having a width of not less than 3.5 metres shall be provided and maintained; and,

(7) That Section 18A.(1)(c) of Zoning By-law No. 6593 shall not apply; and,

(8) That Section 18A.(26) of Zoning By-law No. 6593 shall not apply; and,

(iv) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands shown as Block "2", be modified to include the following variances, as special requirements:

(1) That the semi-detached dwellings existing at the time of the passing of this By-law, known municipally as 30 and 32 Margaret Street, shall provide and maintain the following setbacks:

(a) 2.70 metres from the easterly lot line; and,
(b) 1.15 metres from the southerly lot line; and,
(c) 1.45 metres from the northerly lot line; and,
(d) 7.50 metres from the westerly lot line; and,

(2) Notwithstanding Section 10.(4)(ii) of Zoning By-law No. 6593, for a two family dwelling a lot width of at least 14.7 metres and an area of at least 300.0 square metres shall be provided and maintained; and,

(3) That Section 18A.(1)(a) of Zoning By-law No, 6593, shall not apply for the existing semi-detached dwellings existing at the time of the passing of this By-law, known municipally as 30 and 32 Margaret Street; and,

(v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1402, and that the subject lands on Zoning District Map W-12 be notated S-1402; and,

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,

(vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(viii) That, upon finalization of the implementing zoning by-law, the Strathcona Neighbourhood Plan be amended to redesignate Block 1 from "Single and Double Residential" to "Low Density Apartments".

* Alderman Copps opposed.

7. **Zoning Application 98-03, by 1215443 Ontario Inc. (Ontario Pride Construction Ltd./Michael Bobiash), Owner, for a Change in Zoning from "C" District to "RT-20" District, Modified, for the Property Located at 243 Fennell Avenue East.**

Mr. Bobiash, applicant, and Mr. Pauls, agent, were present on behalf of the application.

Paul Mallard explained that the property is located on the north-east corner of Fennell Avenue and Upper Wellington Street. It will permit townhouses - three blocks of three units and one block of four units. It is compatible with the surrounding area. The Planning Department is recommending approval. It provides for a form of housing not readily available in this area and the 45% landscaping will surpass the required landscaping.

Of 150 notices sent, 11 replied in favour and 13 opposed.

Since it is a former public school site Mr. Mallard added that there would be a holding zone required on this property due to potential contamination.

Mr. Bobiash stated that the scale is low rise and the appearance will not be continual row housing. It will be closed off to East 11th Street in terms of vehicular traffic but not to pedestrian traffic.

Deborah Ort, 271 East 11th Street and Teresa Lennie, 275 East 11th Street, Hamilton, were present.

Ms. Ort stated that the original plan was to build a Court with single detached homes. She stated that five visitor parking spaces are not enough for 16 units. She also added that parking exists only on East 11th Street and not on Upper Wellington or Fennell.

Paul Mallard advised that each unit has only two parking spots. There is provision for on-street parking and five extra spots are being provided. The parking standards for

single family homes are one spot per home. Five spots are being provided above and beyond that.

In response to a question from Ms. Ort, Mr. Bobiash stated that 12 single family units can be located on that property. He added that he could provide more parking spaces and less green space.

Teresa Lennie stated that the area is zoned single family residential and she is not agreeable with intensive infill housing. She does not want to look at a block of buildings. She advised that LACAC recommended that the building which was built in 1922 be used for adaptive use. She is concerned that the area allows for buildings up to three storeys in height and was concerned that once it goes to site plan approval it would be impossible to keep the buildings to one storey. She is concerned that her comments to Planning staff had reached the developer and in return she was called in regard to these remarks.

Lila Mikolish, 38 Calley Road, Hamilton, was present. She stated that there is parking in the vicinity and that the property in question is presently looking quite bad.

Elizabeth Varga, 4 David Avenue, Hamilton, was present. She is concerned about traffic and children's safety since the sidewalk is quite narrow. She stated that she would like to see single family homes with their own parking spaces on the lot.

Mr. Bobiash added that the proposed plan resolves concerns of many driveways onto Upper Wellington Street and Fennell Avenue since there would be one main driveway for ingress and egress.

Ms. Ort was concerned that this would be her last opportunity to give input into this zoning issue.

Alderman Kelly advised that the residents will be notified at the site plan stage. He stated that this is one of the busiest intersections on the Mountain and cannot endorse the application.

Alderman Eisenberger was concerned with the walkway and proposed an amendment that reference to a walkway in the plan be deleted.

The Committee concurred and approved an amendment that reference to the walkway be removed.

As recommended in a report from the Director of Planning and Development dated 1998 March 13, the Committee recommended the following to Council as amended to delete reference to the walkway:

> That approval be given to amended Zoning Application 98-03, 1215443 Ontario Inc. (Ontario Pride Construction/Michael Bobiash), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette -Holding) District modified, to permit the construction of 13 townhouse units and 2 semi-detached units, for the property located at No. 243 Fennell Avenue East, shown as Blocks 1 and 2 on the attached map marked as Appendix "G", on the following basis:
>
> (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The

holding provision will prohibit the development of the subject lands until:

Submission of a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

Removal of the holding restriction shall be conditional upon the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment. City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

(b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified; and,

(c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 1, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10E(2), only a maximum of one semi-detached dwelling and a townhouse dwelling having a maximum of three single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(4)(a), for a townhouse dwelling a side yard depth of not less than 4.0 metres shall be provided and maintained for the southerly lot line; and,

(iii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than three single family dwelling units shall be attached in a continuous row; and,

(d) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 2, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 10E(2), only townhouse dwellings having a maximum of ten single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row; and,

(e) That no pedestrian or vehicular access shall be permitted from East Eleventh Street; and,

(f) That the building elevation drawings as submitted with a future Site Plan application for the subject lands be consistent with the height, scale, style, character and architectural details of the proposed dwellings shown in Appendix "H"; and,

(g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1400, and that the subject lands on Zoning District Map E-16 be notated S-1400; and,

(h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-16, for presentation to City Council; and,

(i) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

A recorded vote was called as follows:

YEAS: Aldermen D'Amico, Eisenberger, Corsini, Haining, Charters and Caplan
NAYS: Aldermen Copps and Kelly

Motion Carried.

8. Rental Housing Protection Act Application CD-97-003, 893 Concession Street, Raleigh Neighbourhood.

The agent was present on behalf of the applicant.

Vanessa Gruppe stated that the application is to convert a 22 unit apartment into condominiums.

Staff recommendation is to deny for two main reasons:

1. The vacancy rate for the area is 1.7 and is below the CMHC rate of the required 2%.

2. The Mountain zone vacancy rate for two bedroom apartments is .09 which is under the CMHC rate of 2%.

The prices per unit are approximately 30% higher than those existing in the surrounding area.

Planning staff has not received any comments from tenants. Staff approves denial.

Bruno Megna was present on behalf of the owner. He stated that the removal of 22 units will not adversely affect the rental housing stock. He believes that the actual vacancy rate is higher than that which has been reported. The rental rates are 20-30% higher than the average on the Mountain, therefore the sale rates would be the same.

He advised that a great majority of the tenants have advised that they wish to purchase the units. Those who do not wish to purchase may stay in the units for at least 20 years. He stated that upon calculation, it is less expensive to pay a mortgage than it is to rent.

As recommended in a report from the Director of Planning and Development dated 1998 March, the Committee recommended to Council as follows:

That Application CD-97-003, under the Rental Housing Protection Act, Herminio Silva, Owner, for conversion of 22 rental apartment units to

condominium units for the property located at 893 Concession Street, be denied for the following reason:

> Removal of these units from the rental market would adversely affect the overall rental vacancy rate within the Hamilton Mountain Zone.

9. VARIOUS DELEGATIONS

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1998 February 12 regarding the Historic Core of McMaster University Designation Under the Ontario Heritage Act.

Submissions were received from the following:

(a) Cyrus M. Jeejeebhoy
(b) Leslie J. King
(c) Brian W.B. Morison
(d) Derek Clark
(e) Mary Ellen Ilebb and Lesley Lewis
(f) Robert D. Hamilton
(g) Catherine Beattie
(h) Alwyn Berland
(i) Peter George
(j) Hamilton Historical Board
(k) Herb Jenkins
(l) Nina Nakajima
(m) L.W. Shemilt
(n) Robert D. Hamilton
(o) Chris Lliffe
(p) D.A.S. Ivison
(q) Therese Moore

Nina Chapple explained that University Hall, Hamilton Hall, Memorial Building, the Refectory, Wallingford Hall and Edwards Hall are all intended to be designated.

There is a new building that is proposed that would involve the demolition of the Alumni Memorial Building. The University has been advised by registered mail of the intention to designate. Public meetings have also been held. Ms. Chapple advised that Council's decision is appealable.

In Toronto there is a precedent since over 20 buildings have been designated at the University of Toronto and buildings are also designated at Queen's University.

Catherine Beattie, President of the Faculty Association of McMaster, was present. She stated that there has been almost unanimity from the staff that the site proposed, which would involve the demolition of the Alumni Memorial Hall is inappropriate. At a meeting that was held it was determined that 52 people on staff are opposed and two indifferent. At a Town Hall meeting approximately 200 people showed up and all were opposed. A survey and petition, which also were submitted, shows that 246 faculty opposed and 135 staff and others were opposed. Various e-mail notes and letters have been received in opposition to the demolition of the Alumni Memorial Building. She urged the Committee not to postpone its vote since. She stated that if the buildings are determined to be valuable they should be designated as such. The

University should also be advised so that they could plan accordingly. She stated that there is a move afoot to start an Historical Core Preservation Fund

Mr. Darling, Vice-President of McMaster University, was present. He stated that he did not want to reiterate the comments of the President made at a previous Planning and Development Committee meeting. He stated however that the designation would limit the planning options of the University for future.

Herb Jenkins, 238 Lloyminn Avenue, was present. Mr. Jenkins advised that he is a Professor of Psychology Emeritus, former Director Arts and Science Programme, former Director Engineering and Society Programme.

He stated that the designation will not involve a great restriction to the University. The lands which are designated will only comprise 5% of the total University lands. If the lands are designated, the University has the option of applying for a Heritage Permit should they wish to have any changes, and reasonable requests are usually considered. He advised that not only the buildings should be designated, but the buildings within their setting because it is the setting which make the buildings unique. A decision to designate will be welcome by the broader University community and the surrounding neighbourhood community.

Cyrus Jeejeebhoy, resident of Woodstock Hall, Room 419, McMaster University, was present. He submitted a University petition signed by students who are in favour of the designation. He stated that the existing building and grounds proposed to be designated are used by the students year round for various activities and the loss of this would be very detrimental to all the students of the University.

Duncan Forrester, a Civil Engineering student and resident of 118 Royal Avenue, Hamilton, was present. He stated that much of the student apathy at the University is misread as approval of the demolition of the Alumni Memorial Hall, but this is not the case. He urged the Committee to seriously consider the designation of these important buildings.

Joanna Chapman, 11 Cross Street, Dundas, was present. She worked at the McMaster University Bookstore for a period of 15 years. Her residence was designated 20 years ago under the Heritage Act and since then she has made changes in the erection of a porch and received approval with minor modification.

Alwyn Berland, 11 Roanoke Road, Hamilton, former Dean of Humanities, was present. He stated that the University is subject to Provincial legislation, including the Heritage Act. These four buildings in the University have been a source of civic pride for many years. He agrees that a student centre should be built but not by disfiguring the core of the University.

Lila Mikolish, 38 Calley Road, was present. She stated that the central core of the University is beautiful. She could not understand why the University is adamant in putting a building in the central core when it has other vacant lands that could be used.

Mr. Darling stated that the main purpose is not to demolish a building but, since most of the other land in the University is not usable due to it bordering on residential neighbourhoods and on the Botanical Gardens, since it is used for recreational use or since it is on a west plain, most of the other land is not usable.

Diane Dent, Chairperson of the Local Architectural Conservation Advisory Committee was present. She stated that LACAC strongly objects to the demolition of Alumni

Hall. Half of the Committee are graduates of McMaster. Ms. Dent stated that hundreds of e-mails have been received regarding support of the designation of the historical core of McMaster. She asked the Committee to keep in mind the potential demolition of St. Mary's. The City should be in partnership with the University for positive development.

The Planning staff also recommends that the Alumni Memorial Building not be demolished. The Ontario Heritage Commission also objects to the demolition.

In response to a question from Mayor Morrow, Mr. Darling stated that the University's major concern at this point is the designation of the surrounding lands. He stated that at present there are no other plans for the core area.

In response to a question from Alderman Caplan, Nina Chapple advised that should the lands be designated, any type of development proposal would be required to be submitted to LACAC who would refer a recommendation to City Council. Council must act within 30 days of the application.

Nina Chapple gave an example of the old Hamilton Library, which is now a Court House which is designated and has been modified with a modern addition very successfully.

Alderman Eisenberger reiterated that there is the opportunity to blend the old and the new even if the buildings and lands are designated.

Alderman Corsini fully supports the designation.

Alderman Kelly stated that a decision should be made so that the University can move forward with their planning.

The Mayor advised that McMaster University needs a Student Centre to be competitive with other universities. Students need to be serviced by this Centre.

Mr. Darling added that they are looking at an alternative location for the Student Centre which will not involve the demolition of the Alumni Memorial building. He stated that every year which passes before a decision is made will cost the University $1 million in additional fees for the erection of the building.

The Mayor proposed an amendment to the main motion that the University be informed that we are all well aware of the challenges facing the University, that the City of Hamilton does not want to be an impediment to success and is open to assisting the University in any way in its endeavours.

The motion to amend was lost.

Following discussion, the Committee approved the recommendation of the Local Architectural Conservation Advisory Committee and recommended to Council as follows:

(a) That approval be given to the Intent to Designate the historic core of McMaster University at 1280 Main Street West, specifically, University Hall, Hamilton Hall, the Refectory, Wallingford Hall, Edwards Hall and the Alumni Memorial Building and the landscaped open space extending north-south from the ravine edge to Scholar's Road and east-west from Edwards Hall to Wallingford Hall, as a property of historical and architectural value, as outlined in the Reasons for

Designation attached hereto and marked Appendix "I", pursuant to the provisions of the Ontario Heritage Act, 1997, Part IV; and,

(b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1997.

10. BUILDING COMMISSIONER

On Site Sewage Systems and the Ontario Building Code

As recommended in a report from the Building Commissioner dated 1998 March 13, the Committee recommended to Council as follows:

(a) That the City Solicitor be authorized and directed to prepare an amendment to By-Law 93-167, "To Authorize Permits and Fees", Section 4 by inserting between subsections (6) and (7) a new subsection as follows:

(7) In addition to the applicable requirements of subsection (2) above, every sewage system permit application shall contain the following information:

(a) the name, address, telephone number, and licence number of the person installing the sewage system,

(b) where the person named in (a) above requires a licence under the Act and the Building Code,

i) the number and date of issuance of the licence, and

ii) the name of the qualified person supervising the work to be done under the sewage system permit,

(c) a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official,

i) the date the evaluation was done,

ii) the name, address, telephone number and signature of the person who prepared the evaluation,

iii) a scaled map of the site showing the legal description, lot size, property dimensions, existing rights-of-way, easements, or municipal/utility corridors; the location of items listed in Column 1 of Table 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C.; the location of the proposed sewage system; the location of any unsuitable, disturbed or compacted areas, and the proposed access routes for system maintenance,

iv) depth to bedrock,

v) depth to zones of soil saturation,

vi) soil properties, including soil permeability, and

vii) soil conditions, including the potential for flooding; and,

(b) That the City Solicitor be authorized and directed to amend Section 4 of By-Law 93-167 by renumbering each of the subsections following the new subsection (7) in sequence as necessary; and,

(c) That the City Solicitor be authorized and directed to prepare an amendment to By-Law 93-167 "To Authorize Permits and Fees" by adding the following to Schedule "A":

11. (a) Permit for the construction of on-lot sewage system pursuant to the provisions of the Building Code Act $500

(b) Permit for the repairs to an existing on-lot sewage system pursuant to the provisions of the Building Code Act $200

(c) Preparation of written comments and inspection for land severance, minor variance and rezoning applications for lots with existing septic systems $200

11. DIRECTOR OF PLANNING AND DEVELOPMENT

Downtown Secondary Plan - (a) CAPIC, Request for High Priority
(b) Planning Director on CAPIC Request

The Committee was in receipt of a report from the Chairperson of CAPIC dated 1998 March 16 and the Director of Planning and Development dated 1998 March 17.

Mr. Abraham advised that the Committee may not wish to move forward with the CAPIC request until the Budget Committee has an opportunity to review them.

Following a brief discussion the Committee resolved to refer the CAPIC report to the City Capital Budget process.

12. CONSENT AGENDA

A. ADOPTION OF MINUTES

(i) The minutes of the meeting held 1998 February 18 were adopted as circulated.

(ii) The minutes of the meeting held 1998 March 4 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) **Barton Village Business Improvement Area - Board of Management 1998-2000, dated 1998 March 17:**

(a) That Schedule "B" of By-law No. 98-074, appointing the Barton Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE "B"

Dimitri Boukhers	Farah's Foodmart (tenant)
Jody Hendry	Hendry's Family Shoes (nominated by owner)
Terry Franceour	Mugsy's Place (nominated by owner)
Sandra Manners	Westinghouse Canada Inc. (nominated by owner)
John Hilger	Ways to Wisdom (owner)
John Howard	Econ-o-wash Laundry (owner)
Paul Nusca	Nusca Custom Tailors Ltd. (owner)
Marco Tollis	Riviera Banquet Centre (owner)
Nick LaSala	Nick's Auto Service (owner)
Robert Palmese	Palmese Photodesign Group Inc.(owner)
Keith Cody	Orthopaedic Services (nominated by owner)
Phil Springer	464 Barton Street East (owner)

(b) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law 98-074 pursuant to (a) above.

(ii) **Westdale Village Business Improvement Area - Board of Management 1998-2000, dated 1998 March 18:**

(a) That Schedule "B" of By-law No. 98-047 appointing the Westdale Village BIA Board of Management be repealed and the following names substituted:

SCHEDULE "B"

Lynn Secord	Canada Trust 938 King St West, (Owner/Representative)
Mary Beth Ledden	Judy Marsales Real Estate Ltd 986 King St West, (Owner)
David Simpson	Simpson, Watson, & Vujnovic Lawyer 950 King St West, (Owner)
Gene Ditner	Cottage Florist 1033 King St West, (Owner)
Shelagh Snider	The Picture Frame 1045 King St West, (Owner)
John Mouskos	New Village Restaurant 988 King St West, (Owner)
David Thorne	Truth 1044 King St West, (Tenant)
Reg Lahie	Jack Carruth Shoes 1051 King St West, (Owner)

(b) That the City Solicitor be authorized and directed to amend By-law 98-047 pursuant to (a) above.

C. BUILDING COMMISSIONER

(i) 80 Stapleton Avenue - Hamilton Emergency Loan Programme, dated 1998 March 11:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and fifty eight dollars ($1,958) be approved for Helen Golba, 80 Stapleton Avenue. The interest rate will be 2 per cent amortized over 5 years.

(ii) 49 Royal Avenue - Demolition, dated 1998 March 12:

Alderman Caplan requested that this item be tabled in order that he can review information on the matter.

The Committee moved to table the matter to the next meeting.

(iii) 1062 Upper Paradise Road - Demolition, dated 1998 March 12:

That the Building Commissioner be authorized to issue a demolition permit for 1062 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iv) 701 Upper Sherman Avenue - Demolition, dated 1998 March 12:

That the Building Commissioner be authorized to issue a demolition permit for 701 Upper Sherman Avenue (C-Wing) in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. LAW DEPARTMENT

Discharges for Rental Housing Protection Act Agreements, dated 1998 March 13:

That upon fulfilment of obligations set out in Rental Housing Protection Act Agreements, Council authorizes the Mayor and City Clerk to sign discharges, to be registered on title at the sole expense of the party requesting the discharge, in a form satisfactory to the City Solicitor.

E. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) **Proposed Draft of Condominium by Robert Dockeray - 11-23 Courtland Avenue, Gilkson Neighbourhood, dated 1998 March 9:**

(a) That approval be granted to application CDM-CONV-98-001 submitted by Robert Dockeray, owner, for a draft plan of condominium for property located at No. 11-23 Courtland Avenue, as shown on the attached map marked as Appendix "J", to provide for a condominium comprised of a 15 individual townhouse condominium units, subject to the following conditions:

(i) That this approval applies to the draft plan dated March 5, 1998, attached hereto and marked as Appendix "K", prepared by A.T. McLaren Limited, O.L.S.; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-011); and,

(v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required; and,

(b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,

(c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

(ii) **Public Meeting Concerning 1717 Upper James Street - Allison Neighbourhood, dated 1998 March 17:**

The Committee resolved to approve the report dated 1998 March 17 as follows:

That the Allison Neighbourhood Plan remain unchanged and the extension of McClary Avenue to connect with Upper James Street is not warranted at this time. In this regard, it is not necessary to hold a public meeting prior to the sale of the 1717 Upper James Street.

(iii) **Application to Remove Part-Lot Control "Eagleview Estates, Phase 1" Subdivision Registered Plan No. 62M-829, dated 1998 March 16:**

(a) That approval be given to Part Lot Control Application PLC-98-02, Harp Homes Inc. (Martin Mazza, President), owner, to remove part-lot control for the purpose of establishing maintenance easements for Lots 1 - 6, inclusive, Registered Plan 62M-829 "Eagleview Estates, Phase 1", as shown on Appendix "L"; and,

(b) That the exempting By-law be restricted to a 1 year effective time period to expire on April 1, 1999; and,

(c) That the appropriate By-law remove part lot control Lots 1 - 6, inclusive, Registered Plan 62M-829 "Eagleview Estates, Phase 1" plan of subdivision, effective until April 1, 1999 for presentation to City Council; and,

(d) That following enactment of the By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the By-law and endorse the same on the By-law.

(iv) **Request for Extension from Exemption from Part-Lot Control for "Allison Estates - Phase 1, Stage 2" Subdivision, Reg. Plan No. 62M-795, dated 1998 March 13:**

(a) That approval be given to the request by David Elliot, Solicitor for 200 Rymal Road Inc. (A. DiSilvestro), owner, for a 1 year extension for exemption from part-lot control for the purposes of establishing maintenance easements for Lots 8 and 19, Registered Plan 62M-795, "Allison Estates, Phase 1, Stage 2", as shown on Appendix "M"; and,

(b) That the appropriate By-law to extend part-lot control from Lots 8 and 19, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2" plan of subdivision, effective until May 1, 1999, be enacted by Council.

(v) **Amendment to By-law 97-147 (Wesley), 195 Ferguson Avenue North, dated March 17:**

That staff be directed to request the Ontario Municipal Board to include the following two variances to By-law No. 97-147 for the property located at No. 195 Ferguson Avenue North, as shown on the attached map marked as Appendix "N":

(a) That By-law No. 97-147 be amended on the following basis:

(i) delete clause 1.(a) and replace with the following new clause:

"notwithstanding Section 11(1) of Zoning By-law No. 6593, the following use shall be permitted in the existing building located at No. 195 Ferguson Avenue North:

1) drop-in centre on the first and second floor only;
2) storage room accessory to the drop-in centre in the underground parking garage.

(ii) that a new clause 1.(d) be added as follows:

"notwithstanding Section 2(d)(i) of By-law 92-197, eighty-five parking spaces shall be provided and maintained for the existing eighty-eight (88) Class "A" dwelling units."

(b) That the proposed amendment to By-law No. 97-147 is in conformity with the Official Plan for the Hamilton Planning Area.

Recorded vote:

YEAS: Aldermen D'Amico, Caplan, Kelly, Eisenberger
NAYS: Aldermen Copps, Haining

Motion Carried.

A brief discussion ensued prior to the approval of the recommendation.

In response to a question from Alderman Copps, Art Zuidema advised that Wesley is using part of its parking as storage area and that this recommendation is a housekeeping measure to legalize that component of use.

Alderman Copps was concerned that Wesley is changing use without approval.

In response to a question from Alderman Copps, Art Zuidema advised that the City can choose not to deal with the recommendation leaving the decision to Wesley as to how they will proceed.

Alderman Caplan stated that the City should support this recommendation and not be obstructionalist.

F. LOCAL ARCHITECTURAL ADVISORY COMMITTEE

(i) **Century Manor, Hamilton Psychiatric Hospital - Letter to Ontario Realty Corporation re: Historical Significance of Building, dated 1998 March 18:**

That the Mayor send a letter to the Ontario Realty Corporation advising that Century Manor, located on the grounds of the Hamilton Psychiatric Hospital, is considered to be of major historical and architectural importance to the City of Hamilton, and request that in the event that the Hamilton Psychiatric Hospital is closed and the property sold, that every effort is taken to preserve and protect this designated building, such as the implementation of a Heritage Conservation Easement Agreement.

(ii) **CN Station - Agreement of Sale, dated 1998 March 18:**

That the City of Hamilton recommend to the Minister of Canadian Heritage and the Chair of the Ontario Heritage Foundation that the heritage conservation easement agreement between the Ontario Heritage Foundation and any new owner of the CN Station property be entered into immediately after the Minister signs off the agreement of sale, or alternatively, that the CNR, as present owner, be requested to enter into a heritage conservation easement agreement with the Ontario Heritage Foundation prior to the sale, in order to ensure the ongoing permanent protection of the architecturally and historically significant CN Station.

G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1998 March 18 and received the following items which were previously forwarded to members of the Committee under separate cover:

(a) Secretary, LACAC re: Minutes of the meetings held 1998 January 12, February 2, February 9 and February 11, dated 1998 March 9.

(b) Director of Planning and Development re: Site Plans for Approval, dated 1998 March 10.

13. PRIVATE AND CONFIDENTIAL AGENDA

The Committee moved into closed session to discuss a potential litigation matter and reconvened immediately thereafter with the following report:

That the information report from the City Solicitor regarding Electronic Gaming Machines dated 1998 February 10 which was referred by the Finance and Administration Committee, be received and that no action be taken.

Recorded Vote:

YEAS: Aldermen D'Amico, Corsini, Haining, Kelly and Caplan
NAYS: Aldermen Copps and Eisenberger

Motion Carried.

14. OTHER BUSINESS

The Chairperson announced the cancellation of the 1998 April 8 meeting.

15. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Alderman F. D'Amico, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in Section 1(a)
of the Planning and Development Committee
Minutes dated 1998 March 25

THE BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE BARTON VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA

1998 February

THE BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE BARTON VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA

PREFACE:

The Barton Village Community Improvement Project Area was originally designated by By-law 88-011. The Area was subsequently expanded by By-law 98-038. The geographic areas delineated by both By-laws 88-011 and 98-038 are the subject of a Community Improvement Plan passed 1988 January 12.

By-law 98-038 has further enlarged the geographic area of the Barton Village Community Improvement Project Area.

PURPOSE:

This Community Improvement Plan is intended to apply to the expanded geographic area of the Barton Village Community Improvement Project Area as set out in By-law 98-038 and is more particularly shown on Appendix A.

Rather than being focused on large scale redevelopement, this Community Improvement Plan focuses on rehabilitation and the updating of existing facades and interiors.

This Community Improvement Plan does not replace the existing Community Improvement Plan for the geographic areas delineated by both By-laws 88-011 and 98-038.

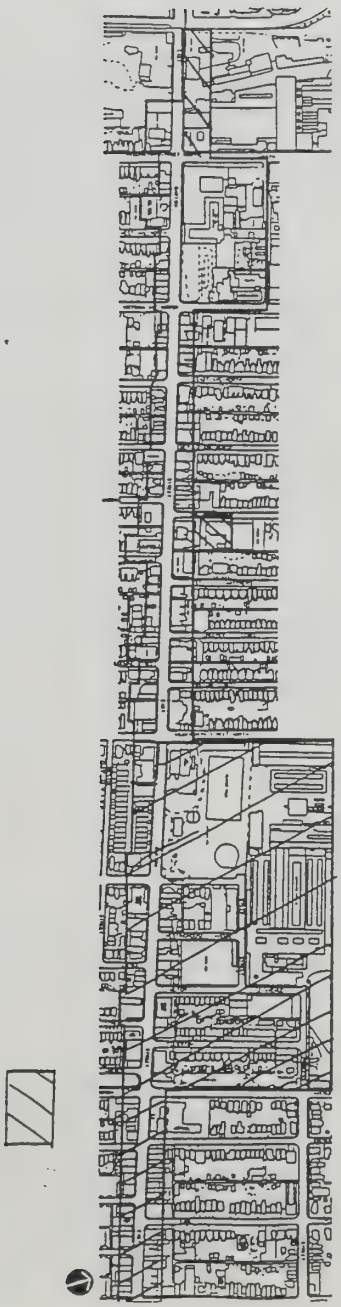
ASSISTANCE TO THE EXPANDED AREA:

The Barton Village Community Improvement Project Area is within the Beasley, Landsdale and Gibson Neighbourhoods and is recognized as a major commercial strip. Improvements to the streetscape have been implemented by the City of Hamilton including, but not limited to, the widening of sidewalks, installation of planted medians and the installation of banners.

The visual appearance of the area could also be enhanced through the upgrading of existing building fronts and interiors. It is recognized that such improvements not only increase the attractiveness of the area, but also assist in putting forward a positive commercial image.

To encourage individual owners of buildings to renovate, loans and grants are available from the Municipality under this plan through the Barton Street Revitalization Program and the Commercial Property Improvement Loan Program in accordance with the guidelines attached as Appendix B.

APPENDIX 'A'



BARTON GENERAL COMMUNITY IMPROVEMENT PROJECT AREA

APPENDIX 'B'

THE BARTON STREET REVITALIZATION PROJECT AND THE COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM

LOAN GUIDELINES

1. Upon receipt of a satisfactory application which meets the criteria of the loan program set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one-half of the City's prime borrowing rate, amortized for a maximum period of ten years (open).

   The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

2. These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,

   (a) are intended for the eligible improvements and expenses contemplated in the corresponding Plan.

   (b) fulfil the objectives of the City expressed in the corresponding Plan.

   (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

3. While businesses which are tenants are not, according to the Planning Act, eligible for loans and grants provided for in the Plan attached, loans to eligible property owners for improvements which will also benefit business tenants are provided for in the Plan.

4. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the Barton Village Business Improvement Area. These loans are subject to a maximum limit of $45,000. (3 units, $15,000. each) for each deeded property of the owner.

5. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the Barton Village Business Improvement Area, subject to,

   (a) a loan maximum of $30,000. for each deeded property of the owner;

   (b) the tenant, if any, accepting in writing the proposed interior improvements.

6. Loans may be made to an owner of a non-residential property not exceeding the sum of $5,000. in respect of the cost of eligible exterior and facade improvements and to repair deficiencies in compliance with health, safety, or property standards. This loan is at the discretion of Council where approved, may be concurrent with or in addition to the maximum permitted loans specified in sections 4 and 5. This loan shall be unsecured and not registered on title. Section 11 (b) (ii) and 11 (b) (iii) shall not apply to this loan.

   Where this community improvement loan is the subject of a grant provided for in section 13 of these guidelines, the grant to the owner to pay down the principal of this loan shall not exceed $2,500. and shall be advanced as follows:

   (a) $1,500. as of the completion of construction as confirmed by the Building Department; and,

   (b) $1,000. (or the balance of the grant), one year following the first advance;

   (c) Section 16 (a) on advancement of section 13 grants shall not apply.

7. Loans may be for the following types of improvements and their related expenses:

   - exterior building envelope;
   - major building systems, including roof, wiring, plumbing, heating;
   - interior fixtures, including partitions;
   - interior decorating, including lighting, painting, wallpaper, etc.;
   - built-in showcases, freezers, special plumbing, etc.;
   - exterior/interior signage;
   - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200.;
   - such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for expenses such as chattels, (i.e. tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

8. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage etc.).

9. The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

10. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the Barton Village B.I.A. will be received in respect of the exterior improvement portion of the loan applications.

11. (a) Each borrower shall give the City a promissory note in respect of each loan; and

(b) As security for repayment of the loan made by the City, the borrower shall:

(i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

(ii) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;

(iii)where an owner has less than 20% equity in the property being improved,

(1) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and

(2) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;

(iv) keep in good standing business taxes, realty taxes and B.I.A. levies.

12. Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

13. Repayment of loans to the City shall be monthly but open to full repayment at any time without notice or penalty.

GRANT GUIDELINES:

14. Grants may be made to recipients of loans under this Community Improvement Plan for a sum of up to 1/2 of the outstanding loan principal of such loans for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan. Where the loan is less than $5,000., pursuant to section 6 of these guidelines, such grant may be for a sum equal to the amount of the loan principal.

15. Grants may also be made to recipients of loans under this Community Improvement Plan to cover the cost of Building Permit fees, Committee of Adjustment Applications and/or property compliance reports payable to the City, where these costs are incurred in respect of rehabilitating such lands and buildings in conformity with the Community Improvement Plan.

16. Conditions of Grants:

a) The following accounts of grant recipients must be in good standing, prior to payment of any grant, unless the recipient directs the City in writing to apply the grant towards the amounts owing on any such account:

(i) the commercial loan repayments and interest thereon;

(ii) realty taxes on the property being improved;

(iii) business taxes; and,

(iv) B.I.A. levy;

b) Grants are available to recipients of loans under this Community Improvement Plan for rehabilitating their lands and buildings within the Barton Village Business Improvement Area and the said Community Improvement Project Area;

c) The maximum grants available to an owner(s) for each deeded property of the owner(s) shall not exceed $30,000.

d) Grant instalments will be advanced from the City by the direct paying down of principal in a Commercial Property Improvement Loan Program borrowers' loan acount in three (3) instalments, in the 15:15:20 ratio, as follows:

(i) 15% of the loan amount at the time of construction completion as recorded by a Building Department Inspector;

(ii) 15% of the original loan amount on the anniversary date of the first advance; and,

(iii) 20% on the anniversary date of the second advance.

Appendix "B" as referred to in Section 2(a)
of the Planning and Development Committee
Minutes dated 1998 March 25

THE MAIN STREET WEST COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE MAIN STREET WEST COMMUNITY IMPROVEMENT PROJECT AREA

1998 February

THE MAIN STREET WEST COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE MAIN STREET WEST COMMUNITY IMPROVEMENT PROJECT AREA

PREFACE:

The Main Street West Community Improvement Project Area was originally designated by By-law 90-270. The Area was subsequently expanded by By-law 98-039.
The geographic areas delineated by both By-laws 90-270 and 98-039 are the subject of a Community Improvement Plan passed 1990 October 30.

By-law 98-039 has further enlarged the geographic area of the Main Street West Community Improvement Project Area.

PURPOSE:

This Community Improvement Plan is intended to apply to the expanded geographic area of the Main Street West Community Improvement Project Area as set out in By-law 98-039 and is more particularly shown on Appendix A.

Rather than being focused on large scale redevelopement, this Community Improvement Plan focuses on rehabilitation and the updating of existing facades and interiors.

This Community Improvement Plan does not replace the existing Community Improvement Plan for the geographic areas delineated by both By-laws 90-270 and 98-039.

ASSISTANCE FOR THE EXPANDED AREA:

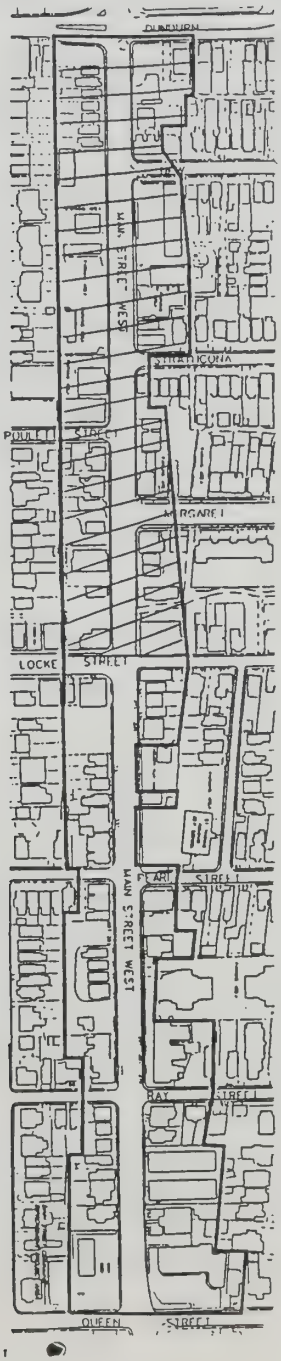
Main Street West is a major commercial strip within the Kirkendall North Neighbourhood. Improvements to the streetscape have been implemented by the City of Hamilton including, but not limited to, the reconstruction of sidewalks and roadways and the installation of banners and streetblades.

The visual appearance of the area could also be enhanced through the upgrading of existing building fronts and interiors. It is recognized that such improvements not only increase the attractiveness of the area, but also assist in putting forward a positive commercial image.

To encourage individual owners of buildings to renovate, loans are available from the Municipality under this plan through the Commercial Property Improvement Loan Program in accordance with the guidelines attached as Appendix B.

APPENDIX "A"

MAIN STREET WEST COMMUNITY IMPROVEMENT PROJECT AREA



EXPANDED BOUNDARIES

APPENDIX 'B'

COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM

GUIDELINES

1. Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one-half of the City's prime borrowing rate, amortized for a maximum period of ten years.

   The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

2. These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,

   (a) are intended for the eligible improvements and expenses contemplated in the corresponding Plan.

   (b) fulfil the objectives of the City expressed in the corresponding Plan.

   (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

3. While businesses which are tenants are not, according to the Planning Act, eligible for loans provided for in the Plan attached, loans to eligible property owners for improvements which will also benefit business tenants are provided for in the Plan.

4. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area. These loans are subject to a maximum limit of $45,000. (3 units, $15,000. each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).

5. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area, subject to,

(a) a loan maximum of $30,000. for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,

(b) the tenant, if any, accepting in writing the proposed interior improvements.

6. Loans may be for the following types of improvements and their related expenses:

- exterior building envelope;
- major building systems, including roof, wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc.;
- built-in showcases, freezers, special plumbing, etc.;
- exterior/interior signage;
- related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200.;
- such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

7. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage etc.).

8. The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

9. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of the loan applications.

10. (a) Each borrower shall give the City a promissory note in respect of each loan; and

(b) As security for repayment of the loan made by the City, the borrower shall:

(i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

(ii) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;

(iii)where an owner has less than 20% equity in the property being improved,

(1) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and

(2) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;

(iv) keep in good standing business taxes, realty taxes and B.I.A. levies.

11. Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

Appendix "C" as referred to in Section 3(a)
of the Planning and Development Committee
Minutes dated 1998 March 25

THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S COMMUNITY IMPROVEMENT PLAN FOR THE EXPANDED AREA OF THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S COMMUNITY IMPROVEMENT PROJECT AREA

1998 February

THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S
COMMUNITY IMPROVEMENT PLAN
FOR THE EXPANDED AREA OF THE DOWNTOWN HAMILTON
BUSINESS IMPROVEMENT AREA'S
COMMUNITY IMPROVEMENT PROJECT AREA

PREFACE:

The Downtown Hamilton Business Improvement Area's Community Improvement Project Area was originally designated by By-law 94-186. The Area was subsequently expanded by By-law 98-040. The geographic areas delineated by both By-laws 94-186 and 98-040 are the subject of a Community Improvement Plan passed 1994 December 13.

By-law 98-040 has further enlarged the geographic area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area.

PURPOSE:

This Community Improvement Plan is intended to apply to the expanded geographic area of the Downtown Hamilton Business Improvement Area's Community Improvement Project Area as set out in By-law 98-040 and is more particularly shown on Appendix A.

Rather than being focused on large scale redevelopement, this Community Improvement Plan focuses on rehabilitation and the updating of existing facades and interiors.

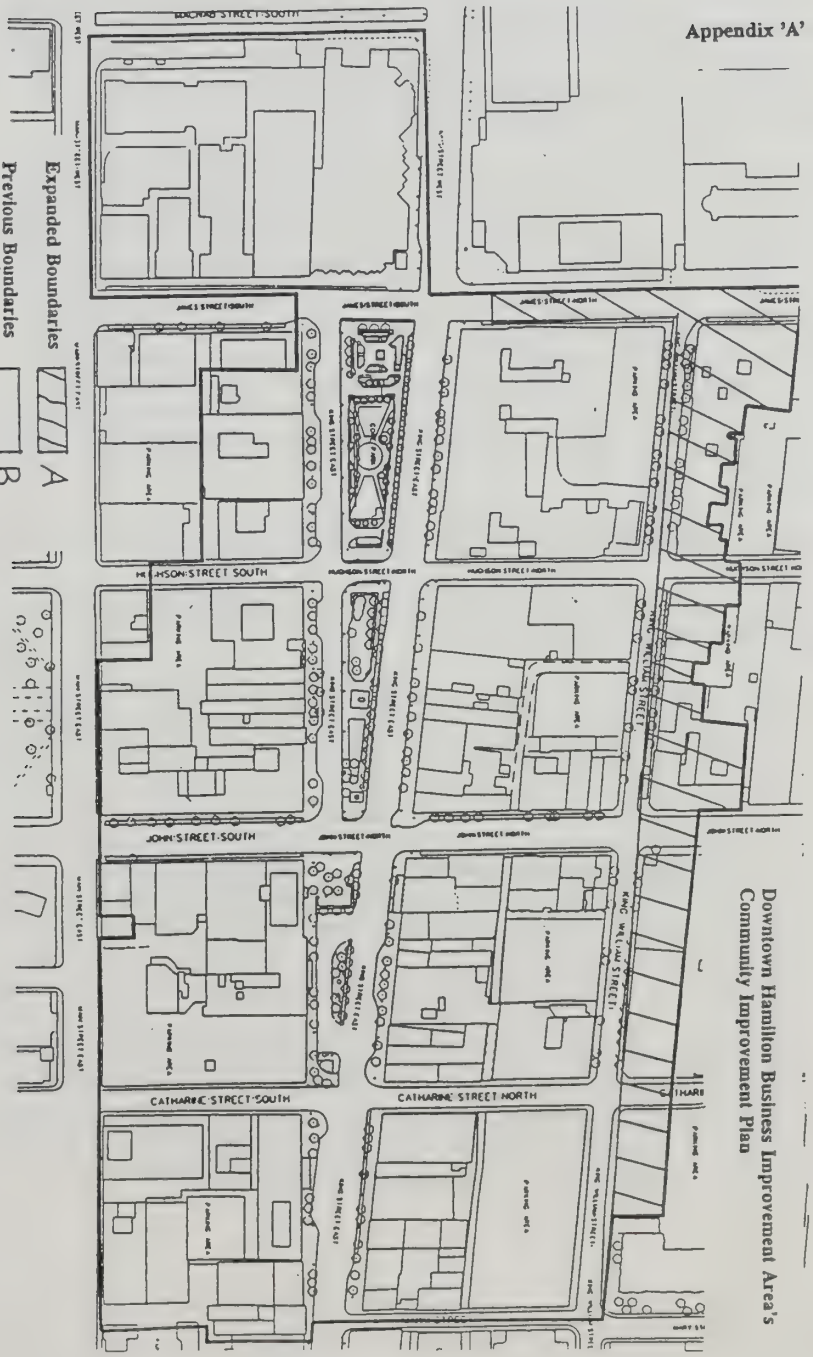
This Community Improvement Plan does not replace the existing Community Improvement Plan for the geographic areas delineated by both By-laws 94-186 and 98-040.

ASSISTANCE FOR THE EXPANDED AREA:

The area encompassed within the Downtown Hamilton Business Improvement Area's Community Improvement Project Area falls within the Central Policy Area as per the City of Hamilton's Offical Plan. Accordingly it is promoted as a multi-use node by creating an attractive environment in which to live, work, do business shop or visit. Improvements to the streetscape have been implemented by the City of Hamilton including, but not limited to, improved lighting, installation of benches, urban braille, ground level planting.
The visual appearance of the area could also be enhanced through the upgrading of existing building fronts and interiors. It is recognized that such improvements not only increase the attractiveness of the area, but also assist in putting forward a positive commercial image.

To encourage individual owners of buildings to renovate, loans are available from the Municipality under this plan through the Commercial Property Improvement Loan Program in accordance with the guidelines attached as Appendix B.

Appendix 'A'



Downtown Hamilton Business Improvement Area's Community Improvement Plan

APPENDIX 'B'

COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM

GUIDELINES

1. Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one-half of the City's prime borrowing rate, amortized for a maximum period of ten years.

   The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

2. These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,

   (a) are intended for the eligible improvements and expenses contemplated in the corresponding Plan.

   (b) fulfil the objectives of the City expressed in the corresponding Plan.

   (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

3. While businesses which are tenants are not, according to the Planning Act, eligible for loans provided for in the Plan attached, loans to eligible property owners for improvements which will also benefit business tenants are provided for in the Plan.

4. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area. These loans are subject to a maximum limit of $45,000. (3 units, $15,000. each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).

5. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area, subject to,

(a) a loan maximum of $30,000. for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,

(b) the tenant, if any, accepting in writing the proposed interior improvements.

6. Loans may be for the following types of improvements and their related expenses:

- exterior building envelope;
- major building systems, including roof, wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc.;
- built-in showcases, freezers, special plumbing, etc.;
- exterior/interior signage;
- related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200.;
- such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

7. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage etc.).

8. The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

9. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of the loan applications.

10. (a) Each borrower shall give the City a promissory note in respect of each loan; and

(b) As security for repayment of the loan made by the City, the borrower shall:

(i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

(ii) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;

(iii)where an owner has less than 20% equity in the property being improved,

(1) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and

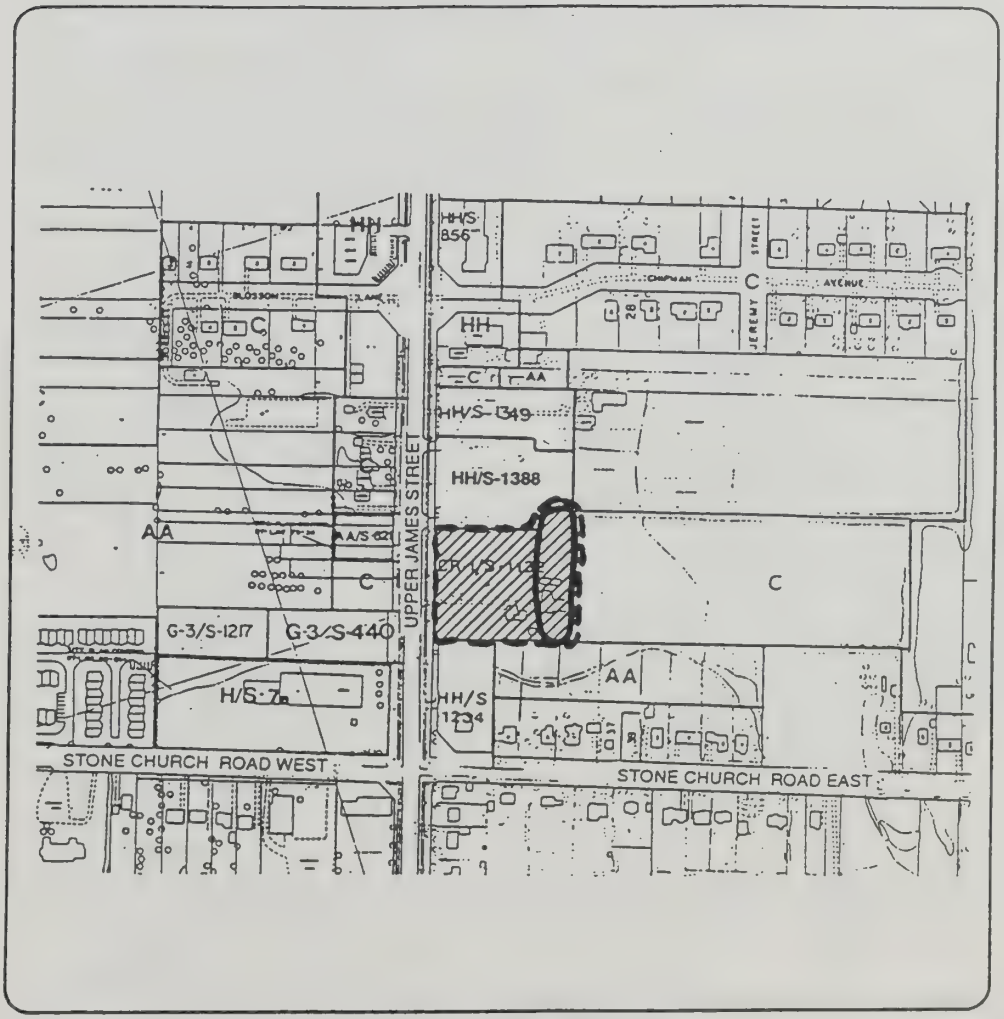
(2) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;

(iv) keep in good standing business taxes, realty taxes and B.I.A. levies.

11. Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

Appendix "D" as referred to in Section 5(a)
of the Planning and Development Committee
Minutes dated 1998 March 25



City of Hamilton

Plan Showing Lands Subject to Site plan Control

Application ZAC-97-39

Planning and Development Department

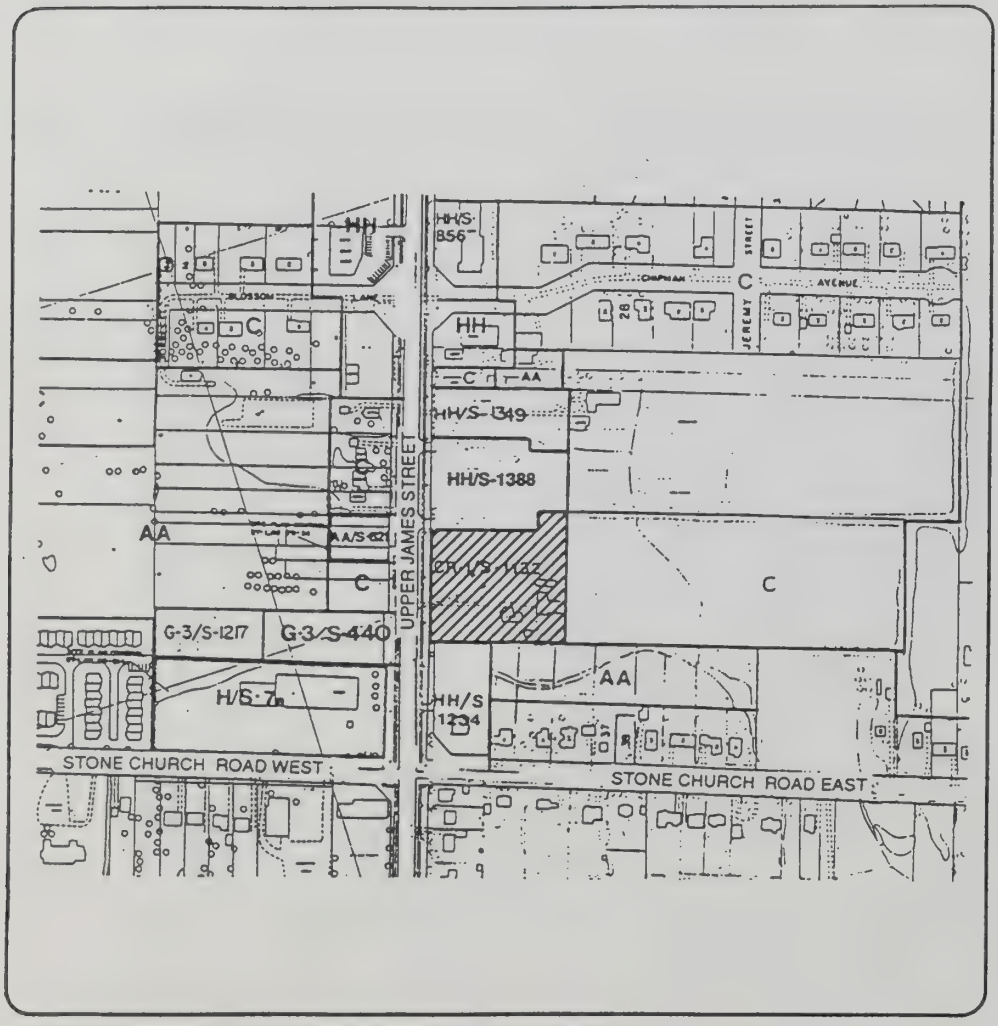
Legend

Lands to be redesignated from "Residential" to "Commercial"

Lands to be redesignated from "Special Policy Area 31a" to "Special Policy Area 31"

North	Scale	Reference File No.
	Not to Scale	ZAC-97-39
	Date	Drawn By
	December 1997	F.A.

Appendix "E" as referred to in Section 5(b)
of the Planning and Development Committee
Minutes dated 1998 March 25



City of Hamilton

Plan Showing Lands Subject to Site plan Control

Application ZAC-97-39

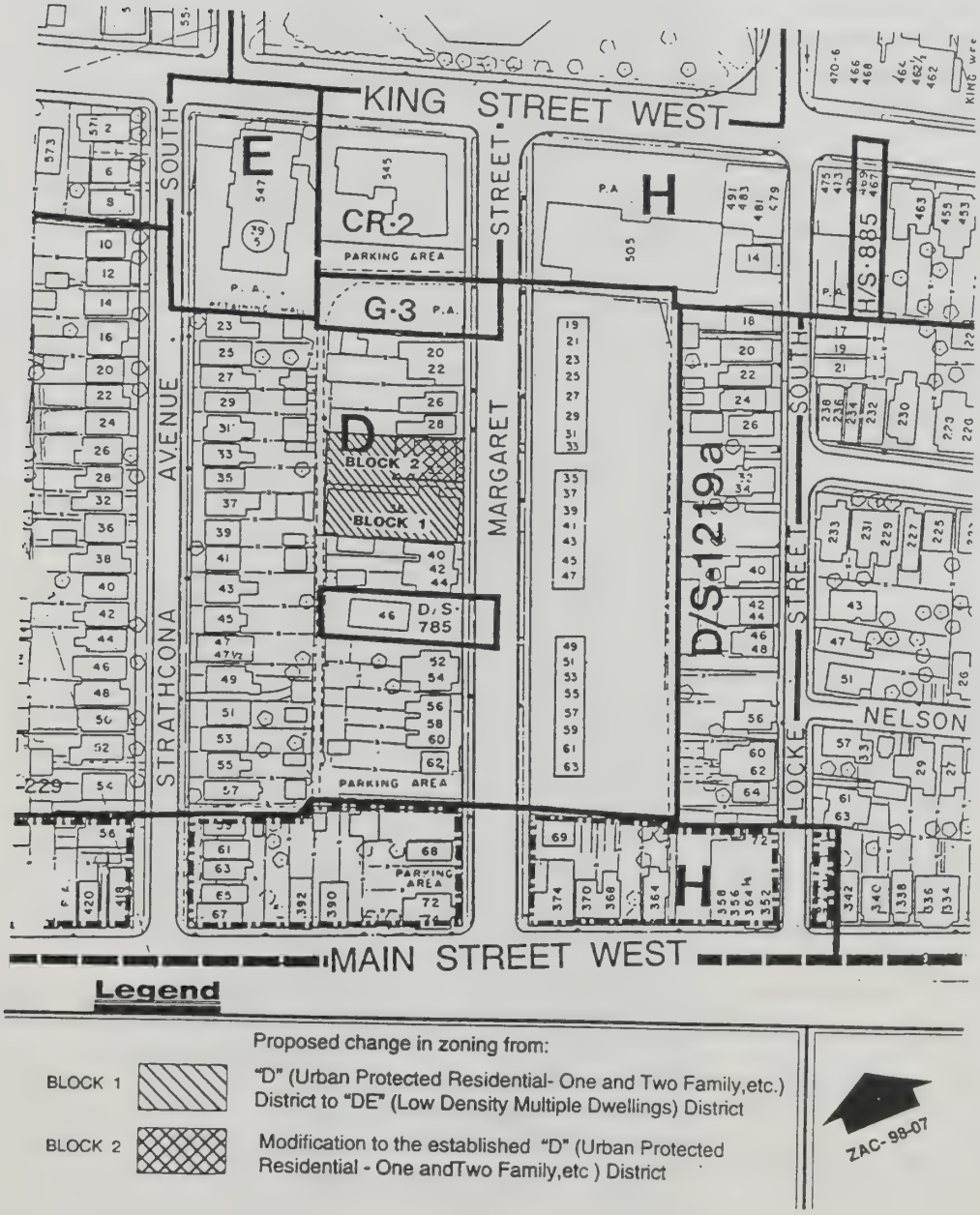
Planning and Development Department

Legend

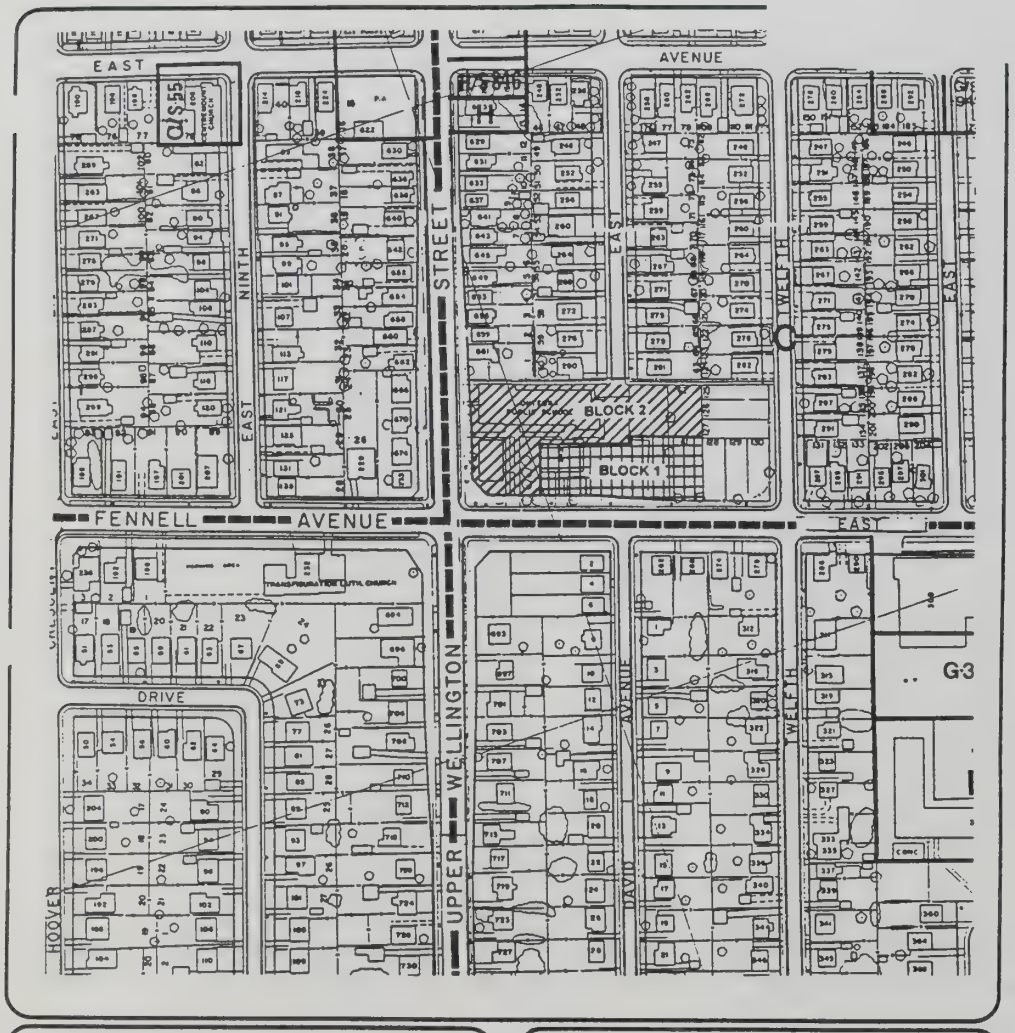
Site of the Application

North	Scale	Reference File No.
	Not to Scale	ZAC-97-39
	Date	Drawn By
	December 1997	F.A.

Appendix "F" as referred to in Section 6(a)
of the Planning and Development Committee
Minutes dated 1998 March 25



Appendix "G" as referred to in Section 7
of the Planning and Development Committee
Minutes dated 1998 March 25



Legend

Change In Zoning From:

BLOCK 1 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - 'H' (Townhouse - Maisonette - Holding) District, Modified.

BLOCK 2 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - 'H' (Townhouse - Maisonette - Holding) District, Modified.

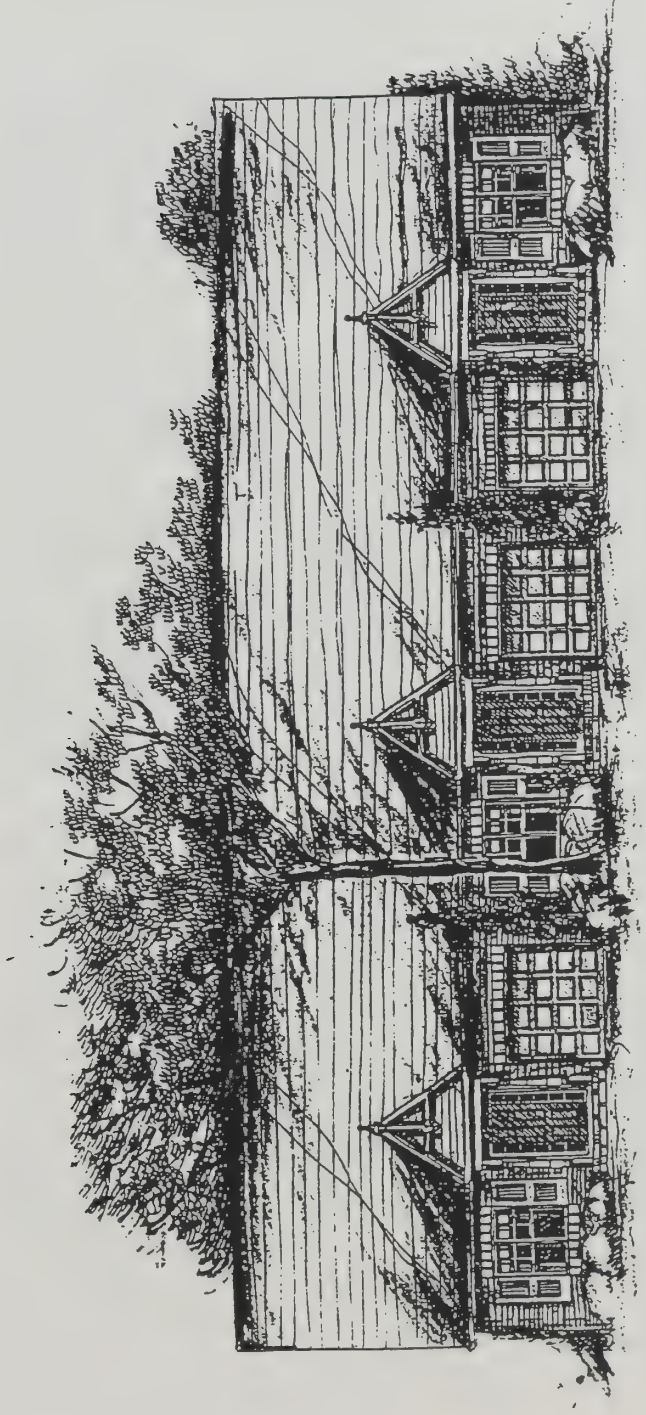
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-03
	Date	Drawn By
	March, 1998	R. L.

Appendix "H" as referred to in Section 7(f)
of the Planning and Development Committee
Minutes dated 1998 March 25



ONTEORA Place

Appendix "I" as referred to in Section 9(a)
of the Planning and Development Committee
Minutes dated 1998 March 25

McMaster University: Historic Core
(University Hall, Hamilton Hall, Wallingford Hall, Edwards Hall, the Refectory and the Alumni Memorial Building)

REASONS FOR DESIGNATION

CONTEXT (Present Setting and History of the Site)

The historic core of the main campus of the present–day McMaster University comprises a cluster of five Collegiate Gothic brick and stone buildings opened in 1930 (University Hall, Hamilton Hall, the Refectory, Wallingford Hall, Edwards Hall and the Alumni Memorial Building, built 20 years later in a similar style. Placed informally in partially enclosed quadrangle configurations, these stylistically unified buildings loosely follow the irregular edge of the heavily wooded ravine area forming the northern boundary of the campus. Though not part of the original complex, the modestly scaled Alumni Memorial Building fits unobtrusively into its setting, standing on a triangular pocket of sloping land bounded by the ravine to the west, University Hall and Hamilton Hall to the south, and Edwards Hall to the east. The open space between the buildings and bordering the ravine is landscaped with grass, trees and a network of footpaths. With the exception of the greenhouse added in the late 1960s, the historic core has essentially retained its original character, notably, the harmonious relationship between the buildings and landscape.

The planners for the original Hamilton campus of McMaster University envisaged a seat of higher learning set in parklike surroundings. This concept was developed as part of a larger beautification scheme spearheaded by Thomas B. McQuesten, an influential member of the City's Board of Parks Management. Largely implemented between 1927 and 1932, this scheme also encompassed a wildlife sanctuary around Cootes Paradise, nature trails, a rock garden and other landscaped areas which together make up the present–day Royal Botanical Gardens, as well as a grand north–western entrance to Hamilton with a monumental high level bridge over the Desjardins Canal.

The original landscaping plan for the McMaster campus was prepared by Dunnington–Grubb, one of Ontario's foremost landscape gardening and design firms. As recommended by Dunnington–Grubb, and endorsed by the Parks Board, the first buildings were carefully sited to take full advantage of the natural setting, described at the time as "one of the most beautiful natural ravines in Canada"*. Only the two large central academic buildings, Hamilton Hall and University Hall, were primarily oriented towards King and Main streets to the south: the latter, with its dominant corner tower, provided a strong visual terminus to University Avenue, once the principal approach to the campus. Plans to beautify the City–owned lands south of the campus included a sunken garden between King and Main (built according to plans prepared by Dunnington–Grubb and removed for the construction of the Health Sciences Complex).

* McMaster University, Hamilton, Ontario", *Construction*, November 1930, p. 373.

HISTORY (Institution and Buildings)

McMaster was founded in 1887 in Toronto as a small Baptist university devoted to arts and theology, named after its founder and first benefactor, Senator William McMaster. A campaign to bring McMaster University to Hamilton, launched by a Citizens' Committee and headed by local businessman William J. Westaway, concluded successfully in 1927. McMaster then accepted the City's offer, which included the donation of a magnificent site just west of the emerging suburb of Westdale; landscaping to be undertaken by its Parks Board (both on the campus and the adjacent lands south of King Street) and a gift of $500,000 from the citizens of Hamilton to build a science building.

The transplanted McMaster University re–opened in 1930 with Howard P. Whidden as its first chancellor and a combined faculty and student population of about 650. It soon ranked as one of the principal institutions of higher learning in the province, along with the University of Toronto, Queen's University (Kingston) and the University of Western Ontario (London). McMaster retained its Baptist affiliation until becoming a non–denominational institution in 1957.

The original cluster of five buildings, all erected in 1929–30, comprised University Hall (arts and administration building), which included a library and auditorium (Convocation Hall), Hamilton Hall (science building), Edwards Hall (men's residence), Wallingford Hall (women's residence), the Refectory (dining hall and central heating plant). Fund–raising for an ambitious scheme to build a large student recreation centre, that would also serve to honour the 54 students and graduates who lost their lives in the first and second world wars, was begun in 1946. Three years later, when the funds pledged by alumni and undergraduates still fell far short of the total required, it was decided to proceed with a scaled–down version on a different site. Completed in 1951, the Alumni Memorial Building originally housed a cafeteria (the Buttery), men's and women's lounges, a common room (Memorial Hall) and offices for the Alumni Association.

ARCHITECTURE

Designed by the noted Hamilton–born, Toronto–based architect, William Lyon Somerville, in association with J. Francis Brown & Son, the original five buildings rank as very good examples of the Collegiate Gothic style. The architects followed a precedent established for new buildings on other Canadian university campuses, which took their inspiration both from the medieval colleges of Oxford and Cambridge and the late 19th/ early 20th century American campus buildings influenced by this tradition (notably, Princeton University). The McMaster buildings are included in a brief national survey of Collegiate Gothic architecture, along with several earlier Canadian examples: various buildings for Victoria College, and Hart House (1911–24) at the University of Toronto, the College of Agriculture at the University of Saskatchewan (1910–12) and the Science Building at the University of British Columbia (1914–25).* The two main buildings, University Hall and Hamilton Hall, were described by the art historian and McMaster graduate, Robert Hubbard, as "probably the best Gothic group in Canada", after parts of Victoria College and Hart House.** They are distinguished by their stone exteriors: rock–faced ashlar with dressed stone trim and carved ornamentation. The other four buildings are brick masonry with stone trim. All pitched roofs are covered with slate; and the original windows were all leaded glass casement windows.

* Harold Kalman, *A History of Canadian Architecture*, vol. 2 (Oxford University Press: 1994), pp. 706–711

** R.H. Hubbard, "Modern Gothic in Canada", *National Gallery of Canada Bulletin*, vol. 25 (1975), pp. 3, 15.

Inspired by the 15th century Magdalen College at Oxford University and reminiscent of Hart House, University Hall is the most architecturally distinctive of the original McMaster buildings. This three–storey building with a rear wing housing Convocation Hall is notable for its buttressed corner tower with a Tudor archway, crenellated parapet and carved stone finials, its picturesque roofline created by the projecting gabled third–storey windows and chimney stack, its varied fenestration (including some stone tracery, an elaborate two–storey bay window on the tower and an oriel window), and its dignified main entrance. This raised entrance portico features a pointed archway with decorative wrought–iron doors, an ornate carved stone surround and a crenellated parapet bearing the University crest.

University Hall also has the finest interior space: the large auditorium known as Convocation Hall, which was designed in the tradition of English college halls. The main space is divided into seven bays, articulated by Tudor–arched wood trusses sprung from stone corbels (representing the heads of famous scientists and philosophers) to support an oak–panelled ceiling. Rising between the corbels are tall leaded–glass Gothic windows with stone tracery and frames. The rear of the auditorium features a balcony supported by four octagonal columns with a solid paneled oak balustrade and a set of three double wood doors leading to the stair hall. At the front, the Tudor–arched opening of the proscenium focuses attention on the impressive stained–glass Gothic window above the platform: the Bunyan Memorial Window.

The adjacent Hamilton Hall, an L–shaped 3–storey building, is similar in construction and exterior detailing to University Hall but has a somewhat more utilitarian character, in keeping with its original function as a science facility. Notable features include the crenellated parapet of the predominantly flat roof, the very large casement windows on the first and second floors (laboratories and lecture rooms), the carved stone oriel window with its sundial, and the entrance portico with its pointed archway, wrought–iron gates, and stone carvings symbolizing the joint McMaster/Hamilton project and representing the various sciences.

The two residences: Wallingford Hall (for women) and Edwards Hall (for men), though differing in size and layout, are very similar in their exterior treatment. Both have Tudor–arched doorways with cut and carved stone surrounds, casement windows with cut–stone surrounds, and picturesque rooflines with tall gables and chimneys. Wallingford House also features two–storey bay windows and an oriel window over the east entrance (all constructed of stone).

The Refectory, though similar in its massing and materials to the residence buildings, has a more domestic "Arts and Crafts" character, with stone used sparingly for plain capstones and sill courses. It features a prominent steep–pitched roof surmounted by a cupola (over the dining hall), buttressed walls, two open wood porches with steep gable roofs (west and north facades), and two tall bay windows. The spacious dining hall is notable for its impressive open–truss, wood–panelled ceiling with the original hanging globe light fixtures.

Built in 1949–51, the Alumni Memorial Building was sensitively designed by the architects (Bruce Brown and Brisley in collaboration with W.L. Somerville) to complement the style of the original buildings, respect their siting and take full advantage of the ravine–edge setting. Built on a sloping site, this T–shaped 1 1/2 storey brick masonry building has an above grade basement on the west facade, allowing for panoramic views of the ravine from both the main hall and dining room below. In its overall massing and detailing, the Alumni Memorial Building most closely resembles the Refectory and, except for the elaborate front entrance, possesses the same domestic character. The projecting entrance porch, with its Tudor archway, cut–stone surround and recessed Tudor–arched doorway serves as a visual focal point for visitors approaching the building from the long straight pathway from Scholar's Road. The double glazed wood doors lead directly up a small flight of stairs to the impressive main hall with its high wood–panelled truss ceiling and stone fireplace.

DESIGNATED FEATURES

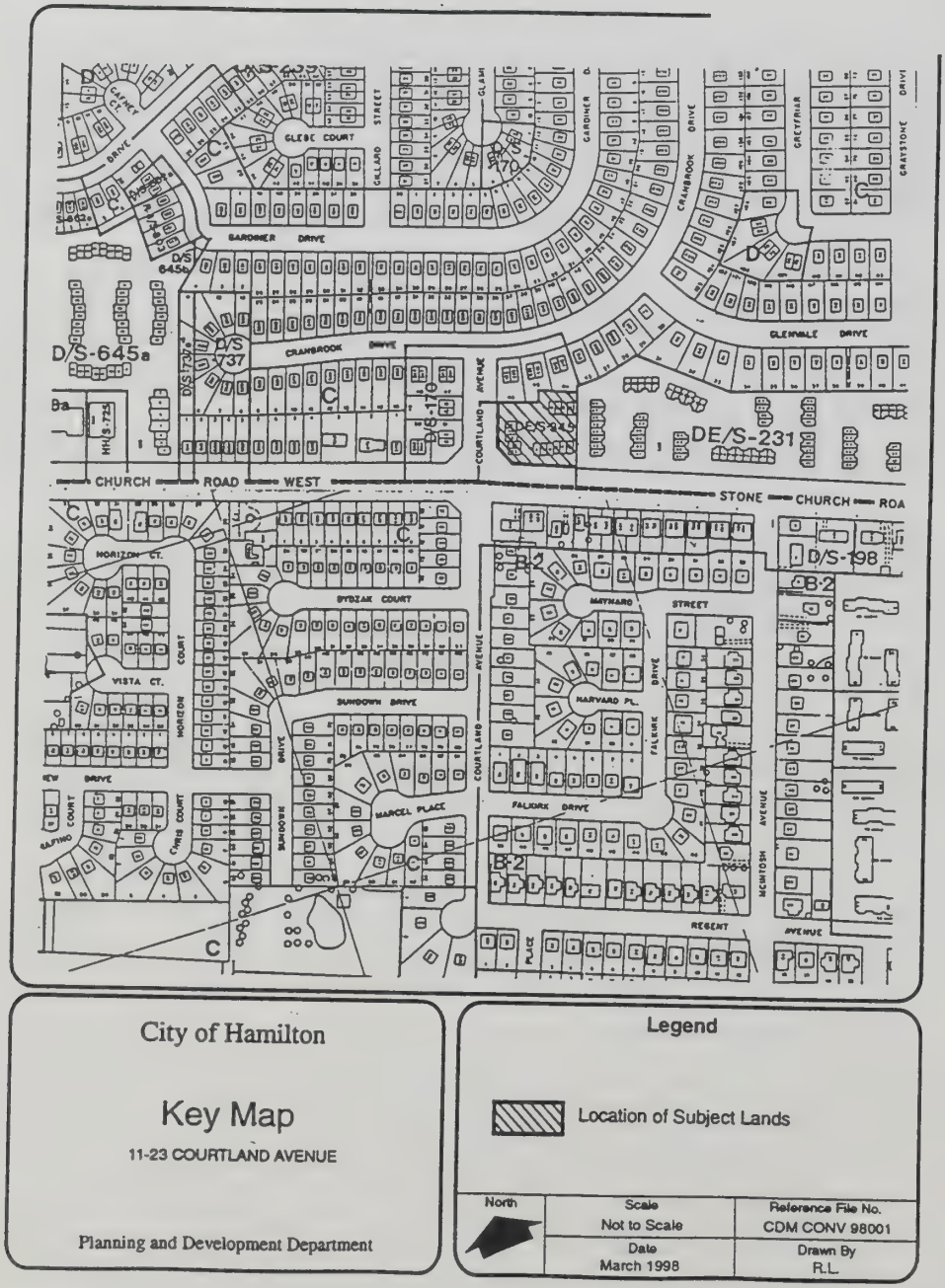
The boundaries of the designated property extend from the west side of Wallingford Hall to the east side of University Hall and Edwards Hall and from Scholars Road to the ravine edge and the north side of Edwards Hall; it also includes Hamilton Hall and the Alumni Memorial Building.

Important to the preservation of this cluster of six buildings are:
– the original architectural materials and features of the facades and roofs of all six buildings, including the stone ashlar and brick masonry walls; cut stone door/ window surrounds, mullions and tracery; stone entrance steps, carved stone ornamentation, wrought–ironwork (notably the entrance doors of University Hall and Hamilton Hall).
– the landscaped open space within the boundaries defined above, including the low stone wall with the Tudor archway linking University Hall and Edwards Hall.

Excluded are:
– the brick masonry entrance and stairwell addition to the south facade of the Refectory, providing access to the basement cafeteria/pub (1964–5).
– the glazed bridge connection to Gilmour Hall on the north facade of the tower of University Hall (1970–71).
– the greenhouse between the Refectory and Hamilton Hall (circa 1968).
– ancillary service and utility structures.

Also important to the preservation of University Hall, the Refectory and the Alumni Memorial Building are the interior spaces identified respectively as Convocation Hall, the Refectory Dining Hall and Memorial Hall and all of their original architectural finishes and features.

Appendix "J" as referred to in Section 17(a)
of the Planning and Development Committee
Minutes dated 1998 March 25



City of Hamilton

Key Map

11-23 COURTLAND AVENUE

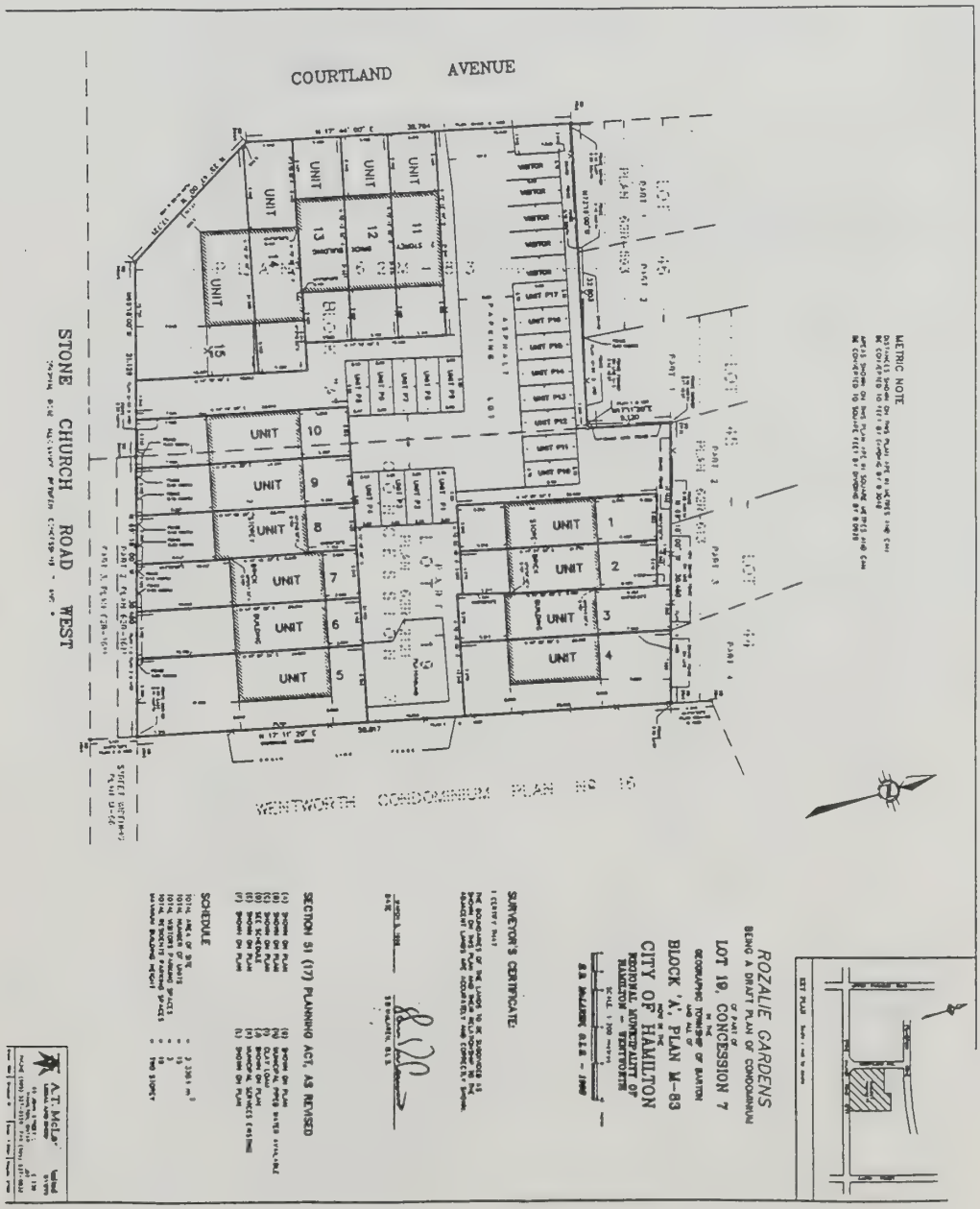
Planning and Development Department

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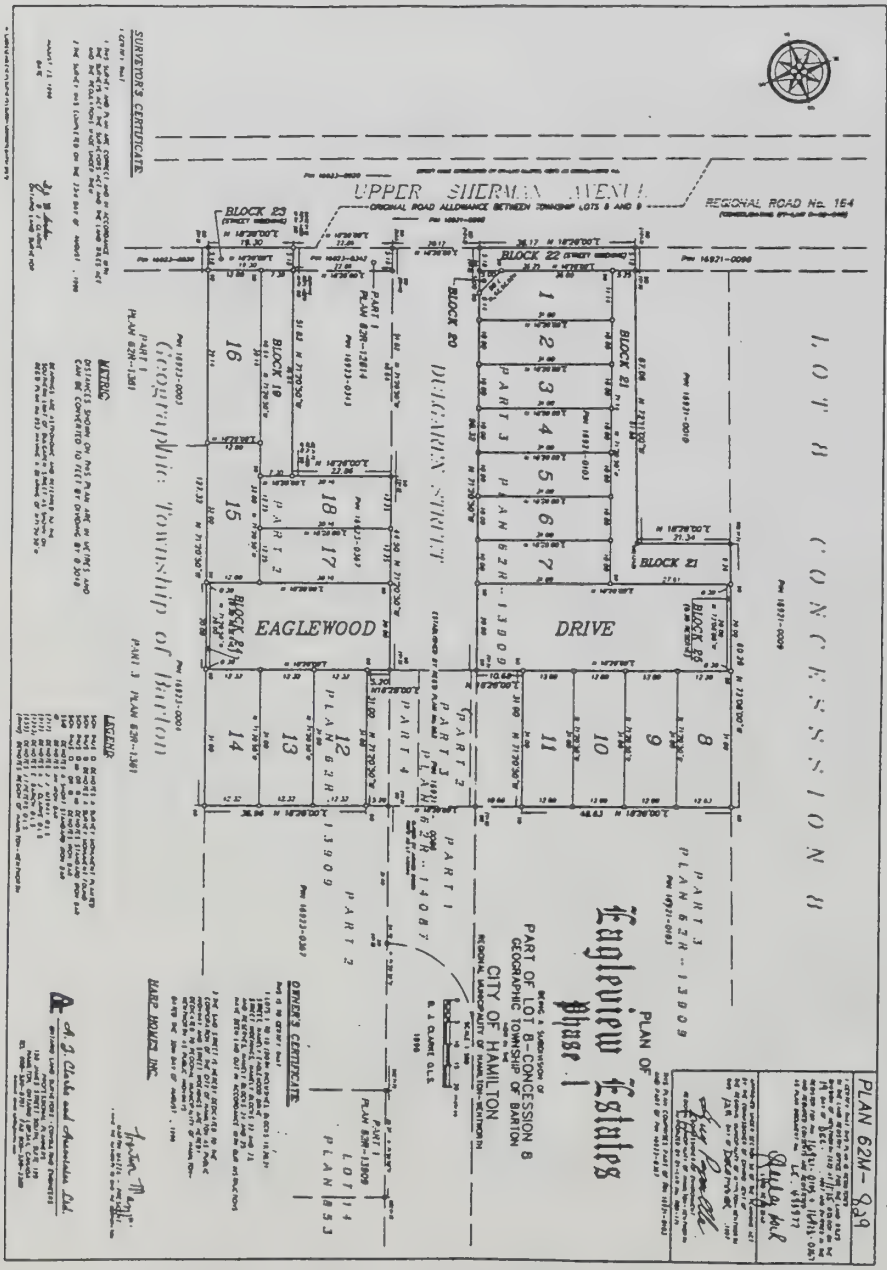
Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM CONV 98001
	Date	Drawn By
	March 1998	R.L.

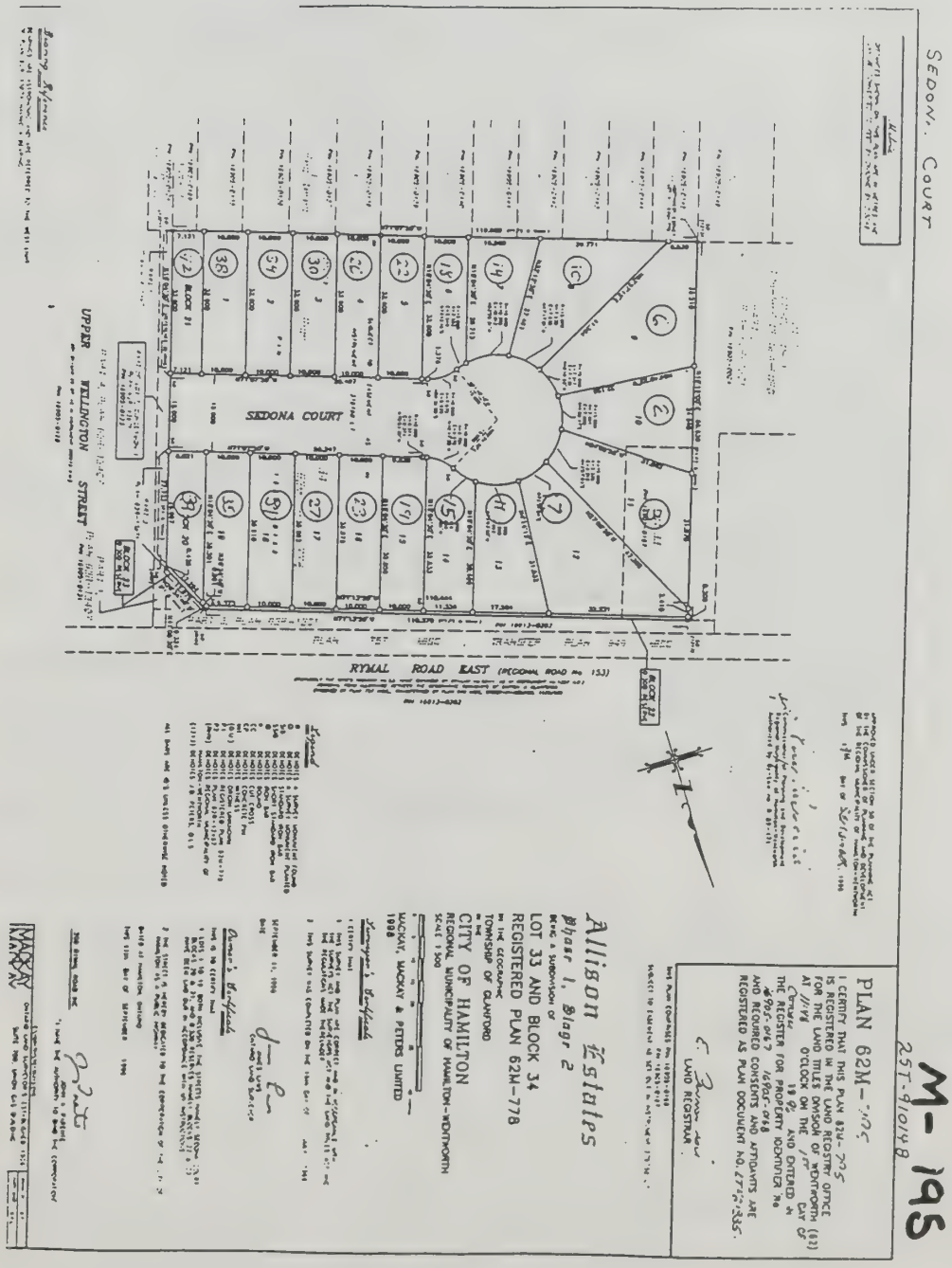
Appendix "K" as referred to in Section E(i)
of the Planning and Development Committee
Minutes dated 1998 March 25



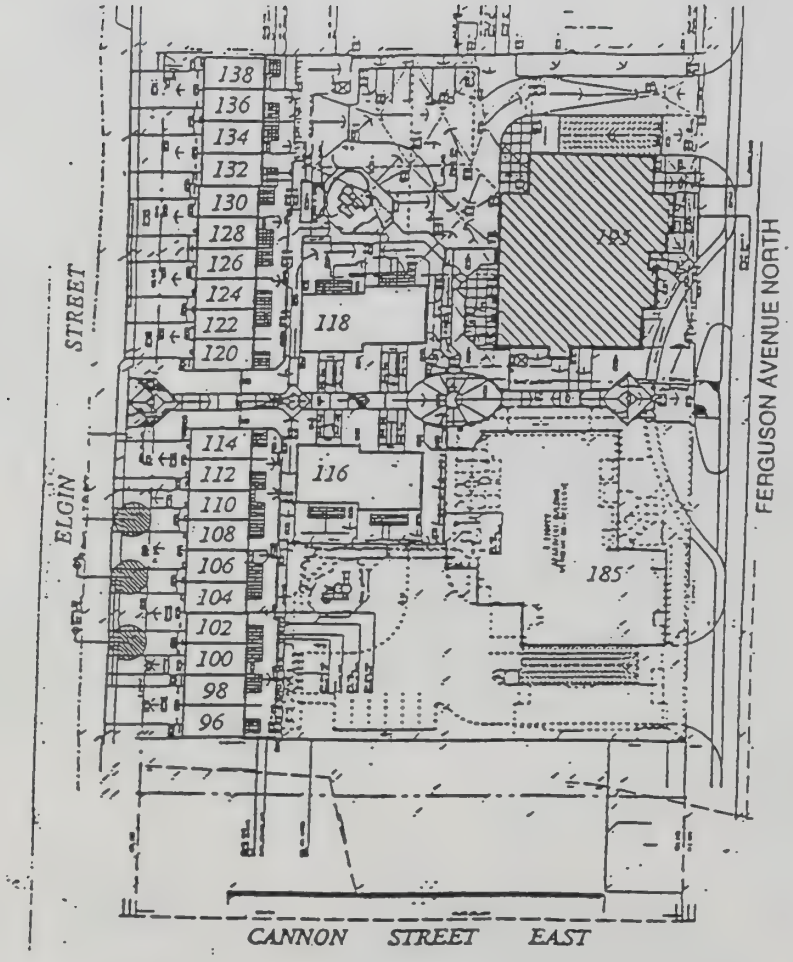
Appendix "L" as referred to in Section E(iii)
of the Planning and Development Committee
Minutes dated 1998 March 25



Appendix "M" as referred to in Section E(iv)
of the Planning and Development Committee
Minutes dated 1998 March 25



Appendix "N" as referred to in Section E(v)
of the Planning and Development Committee
Minutes dated 1998 March 25



Legend

Site of the Application

B;)

APR 1 [illegible] 1998

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1478 UPPER JAMES STREET - Tag Number 98-102565
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1478 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: G-"H"/S-1291/S-1382/S-1382a

PRESENT USE: Vacant Single Family Dwelling

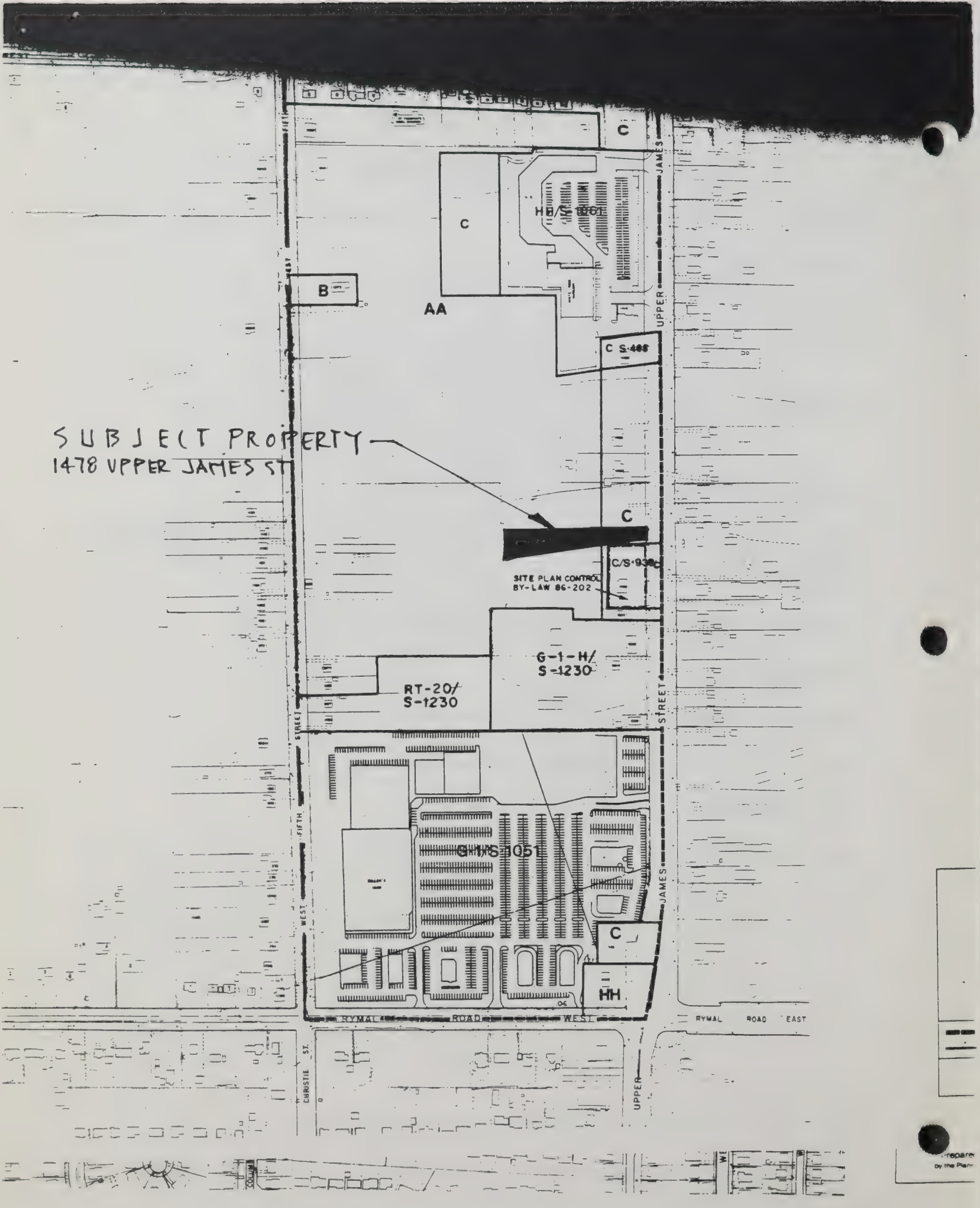
PROPOSED USE: Commercial Plaza

BRIEF DESCRIPTION: The owner has moved the dwelling to a different lot outside the City of Hamilton without the benefit of a building permit. As a result, an Order to Comply dated March 18, 1998 was issued by this Department for the demolition without a permit (see attached). There is a Land Severance Application B-97:65 which is final and binding as of July 23, 1997 (see attached). This property has been cleared and the proposed use is for a new commercial strip plaza known as 1468 - 1500 Upper James Street. This property is located in the "Mewburn" Neighbourhood (please see attached) and is located in Ward 8. No LACAC interest. Lot size 58.0' x 500.17'.

The owner of the property and applicant as per the demolition permit is:

Roseland Properties Inc., 226 South Service Road, Oakville, Ontario, L6J 1K3

FP/zr


SUBJECT PROPERTY
1478 UPPER JAMES ST
C
C
HB/S-1001
B
AA
UPPER JAMES
C S-488
C
C/S-938
SITE PLAN CONTROL
BY-LAW 86-202
G-1-H/
S-1230
RT-20/
S-1230
STREET
G-1/S-1051
FIFTH
WEST
JAMES
C
HH
RYMAL ROAD WEST
RYMAL ROAD EAST
CHRISTIE ST.
UPPER

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

ORDER TO COMPLY

FILE NO: 98-102026-00 EN

ISSUED TO	LOCATION
ROSART PROPERTIES INC 226 SOUTH SERVICE RD. OAKVILLE, ON L6J 2X5	1478 UPPER JAMES ST. HAMILTON, Ontario.

TAKE NOTICE THAT THE DEMOLITION
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S) / REGULATION(S) / BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	The Building Code Act, S.O. 1992, Chapter 23, Section 8(1)	Demolition at the above address has commenced without the required permit being issued by the Chief Official. REQUIREMENT TO COMPLY: Obtain permit for all demolition at the above address.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER / CONSTRUCTOR / OR PERSON APPARENTLY IN POSSESSION AND HEREBY ORDERED TO COMPLY WITHIN TWENTY-EIGHT (28) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT / REGULATION / BY-LAW

REGISTERED MAIL	March 18, 1998	P. Lobbe (905) 546-2381	March 18, 1998
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT (905) 546-2782

FORM 48

NOTICE OF DECISION OF THE COMMITTEE

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. B-97:65
SUBMISSION NO.

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF Premises known as **Part of Lot 15, Concession 8, known municipally as 1478 to 1530 Upper James Street and 1187 & 1193 West 5th Street**, in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;

AND IN THE MATTER OF AN APPLICATION by the agent May, Pirie, Dakin & Associates Ltd on behalf of the owner Rosland Properties Inc for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the **conveyance** of a 2681 square metre parcel of land having a frontage of 38.27m on West 5th Street, to be used for residential purposes; and the **retention** of an irregular shaped 4.76ha parcel of land having a frontage of 278.3m on Upper James Street, to be used for commercial purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application **IS APPROVED** for the following reasons:

The Committee considers the proposal to be in keeping with development in the area.

The proposal does not contravene Zoning By-Law requirements.

The proposal does not conflict with the intent of the Official Plan.

The Approval is subject to the following **condition(s)**:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan of the parcel to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. The owner shall receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the City Building Department.

3. That the applicant receive final approval of a Zoning By-Law Amendment rezoning the subject lands from "RT-20" (Townhouse - Maisonette) District, "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc) District, modified, to "G-1" - "H" (Designed Shopping Centre - Holding) District, and final approval of an Official Plan Amendment redesignating a portion of the retained lands from "Residential" to "Commercial", and revising "Special Policy Area 31, 31b and 31c".

4. That the applicant enter into a private drain agreement with the Region and that the application be amended to include easements over the lands to be retained, to provide municipal sewer services to the lands to be conveyed, to the satisfaction of the Regional Environment and\or Transportation Departments.

5. The elevation of the required parking areas on the lands to be severed (when developed for residential purposes), shall be a minimum 0.3m above the centreline elevation of West 5th Street and the slope of the access on private lands shall not exceed 7%. This requirement is to be incorporated into the required Lot Grading Agreement.

6. The owner shall pay outstanding realty taxes and/or all other charges owing to the City Treasurer.

The period for appeal has expired and no such appeal has been filed. THIS DECISION IS NOW FINAL AND BINDING (s. 53 of The Planning Act).

CERTIFIED COPY
JUL 23 1997
Secretary-Treasurer

.../2

APPLICATION NO. B-97:65
SUBMISSION NO.

DATED AT HAMILTON this day, 1997 June 25.

SIGNED:

M. Dudzic (Chairman)

E. Begg

R. N. Cutler

B. Law

Secretary-Treasurer
Alderman B. Charters

The period of appeal has expired and no such appeal has been filed.
THIS DECISION IS NOW FINAL AND BINDING
(s. 53 of The Planning Act).
CERTIFIED A TRUE COPY
JUL 23 1997

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS 1997 July 2.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE:THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **1997 July 22.**

NOTE:THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

APR 1 4 1998

B'ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
34 CROCKETT STREET - Tag Number 98-102012
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 34 Crockett Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Urban Protected Residential)

PRESENT USE: Single Family Dwelling

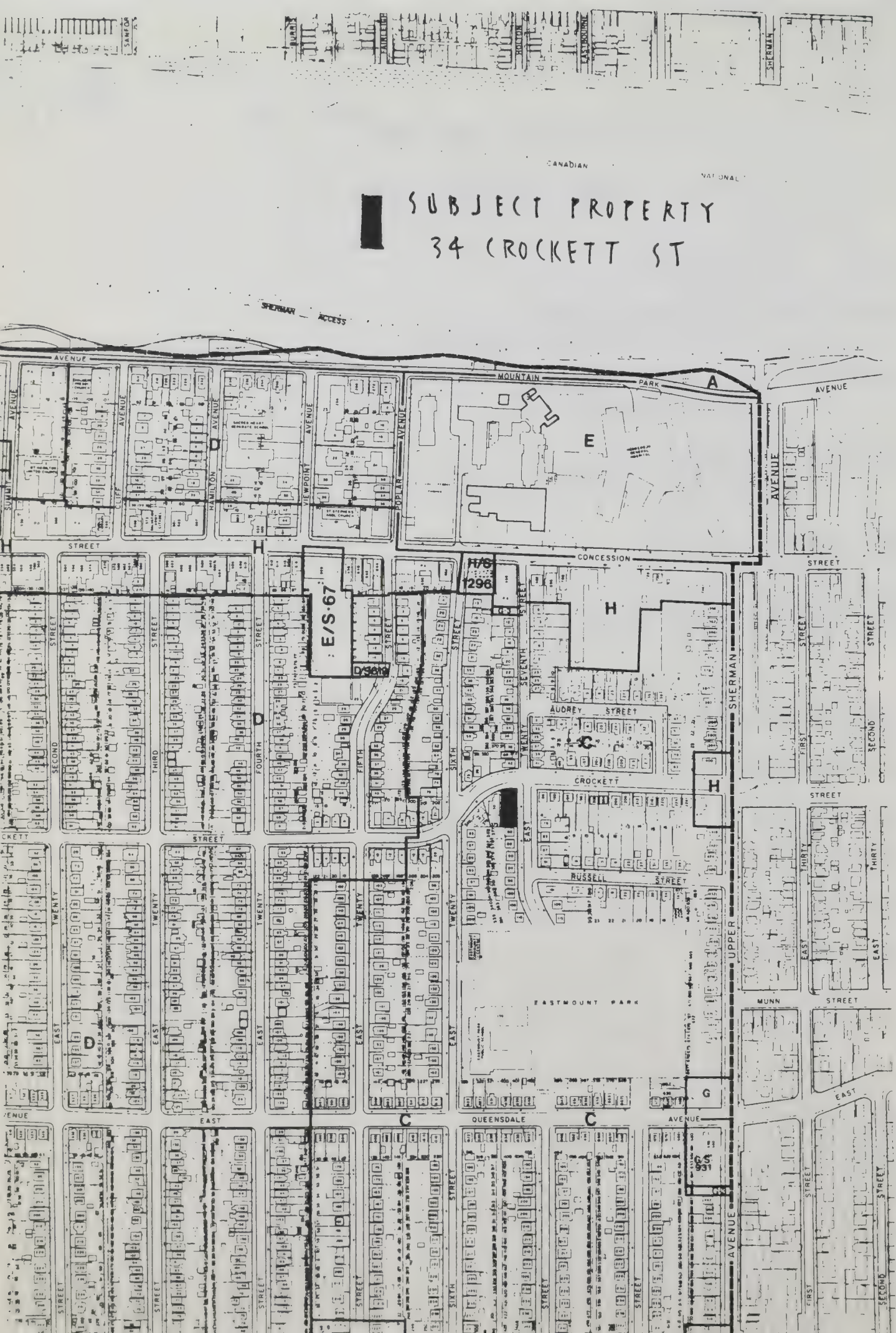
PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner wishes to demolish the existing single family dwelling and rebuild a new single family dwelling. This property is located in the "Eastmount" Neighbourhood (please see attached) and is located in Ward 7. No LACAC interest. Lot size 56' x 127.5'.

The owner of the property and applicant as per the demolition permit is:

Liam Keenan
34 Crockett Street
Hamilton, Ontario
L8V 1H1

FP/zr


SUBJECT PROPERTY
34 CROCKETT ST
CANADIAN
NATIONAL
SHERMAN ACCESS
MOUNTAIN PARK
CONCESSION
SHERMAN AVENUE
UPPER SHERMAN AVENUE
CROCKETT STREET
AUDREY STREET
RUSSELL STREET
MUNN STREET
QUEENSDALE AVENUE
EASTMOUNT PARK
E/S-67
H/S 1296
D/S 1296
HAMILTON AVENUE
VIEWPOINT AVENUE
POPLAR AVENUE
SECOND STREET
THIRD STREET
FOURTH STREET
FIFTH STREET
SIXTH STREET
SEVENTH STREET
TWENTY EAST STREET
THIRTY EAST STREET
FIRST STREET

B iii

CITY OF HAMILTON APR 1 4 1998

- RECOMMENDATION -

DATE: 1998 April 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: 87-89 King Street East (Kit Kat Building)
(98.2.4.2.1.A)

RECOMMENDATION:

That the city owned property at 87-89 King Street East be tendered for sale, with a restrictive covenant on title that the purchaser undertake to improve the property by adding two storeys substantially in accordance with the attached concept appended hereto (Appendix A).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The property at 87-89 King Street East (otherwise known as the Kit Kat building) was vested with the City on 1996 December 11 as there were no purchasers for the property at the conclusion of a tax sales process. The outstanding taxes for this property amount to $272,940.

The property was subsequently used, temporarily, as a base for the contractor involved in the "1997 Restore the Core" streetscape improvements. The property has two floors, one below grade, consisting of approximately 5,000 square feet of commercial space in total.

.../2

In circulating the property internally for civic interests, the only comment received by the Real Estate Division came from the Building Department. Our concern, from a "downtown" perspective, is that if the property is sold "as is", there would be no assurance that the new purchasers would not keep the property as it currently exists. The building is considered to be unsightly and detrimental to the streetscape, business, and ambience of the area.

A concept plan for redevelopment of the property has been prepared, (Appendix A). The concept involves adding two storeys of five condominium apartments, one of which would be a loft condominium, and adding a new facade to the building that would enclose the current open stairwell leading to the floor below grade. This proposal would be in keeping with the existing streetscape.

Efforts to interest the Hamilton Halton Home Builders' Association (HHHBA) and other developers have not borne fruit at this time. While there is interest expressed periodically, it is suggested that a tender be undertaken which will expose the property and its new potential to the widest possible audience. Based on the result of the tenders, a further report will be provided to the appropriate Committee.

At its meeting of 1998 April 7, the Finance and Adminstration Committee discussed the importance of having control on the aesthetics of this property by including a restrictive covenant in a tender for sale of this property.

LCK/MM/dk

Attach.

c.c. Mr. J. J. Schatz, City Clerk

(A)

PRELIMINARY CONCEPTUAL STUDY FOR THE REVITALIZATION OF THE BUILDING AT 87-89 KING STREET EAST FOR THE MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION



RICHARD G. BUTTERWORTH ARCHITECT INC.

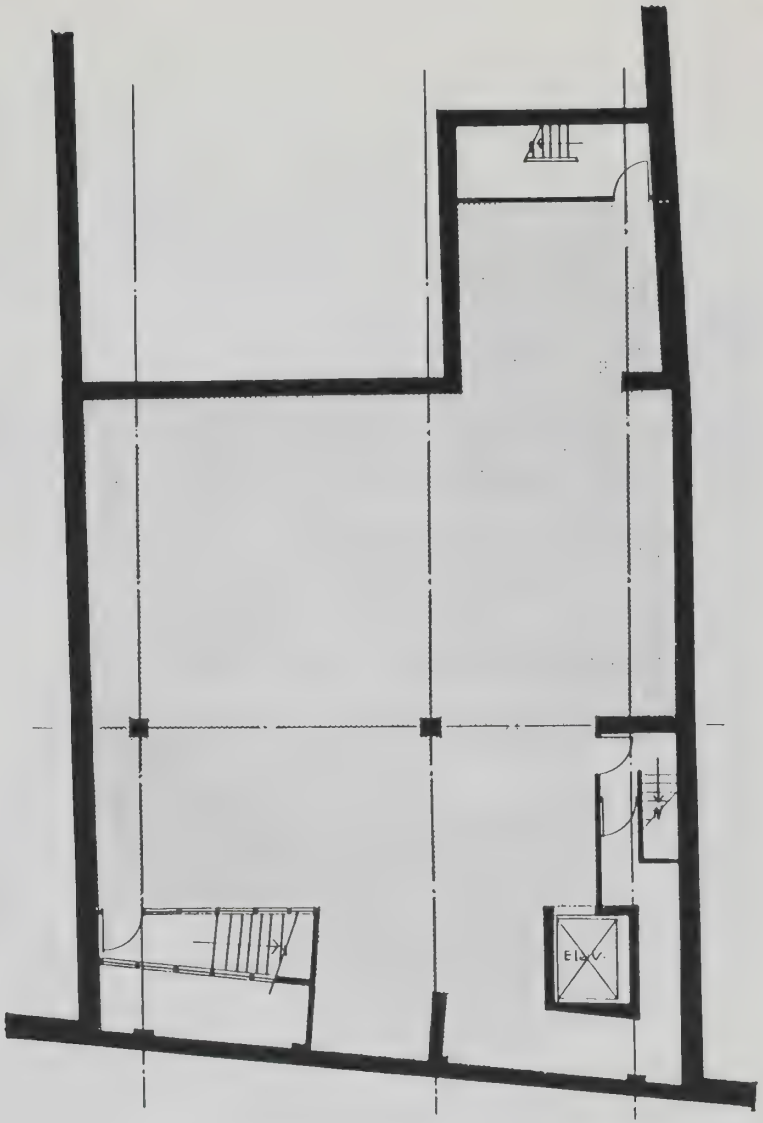
PRELIMINARY CONCEPTUAL STUDY FOR THE REVITALIZATION OF 87-89 KING ST EAST
HAMILTON FOR MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION
RICHARD G. BUTTERWORTH ARCHITECT INC



EXISTING LOWER OPEN AREA WELL

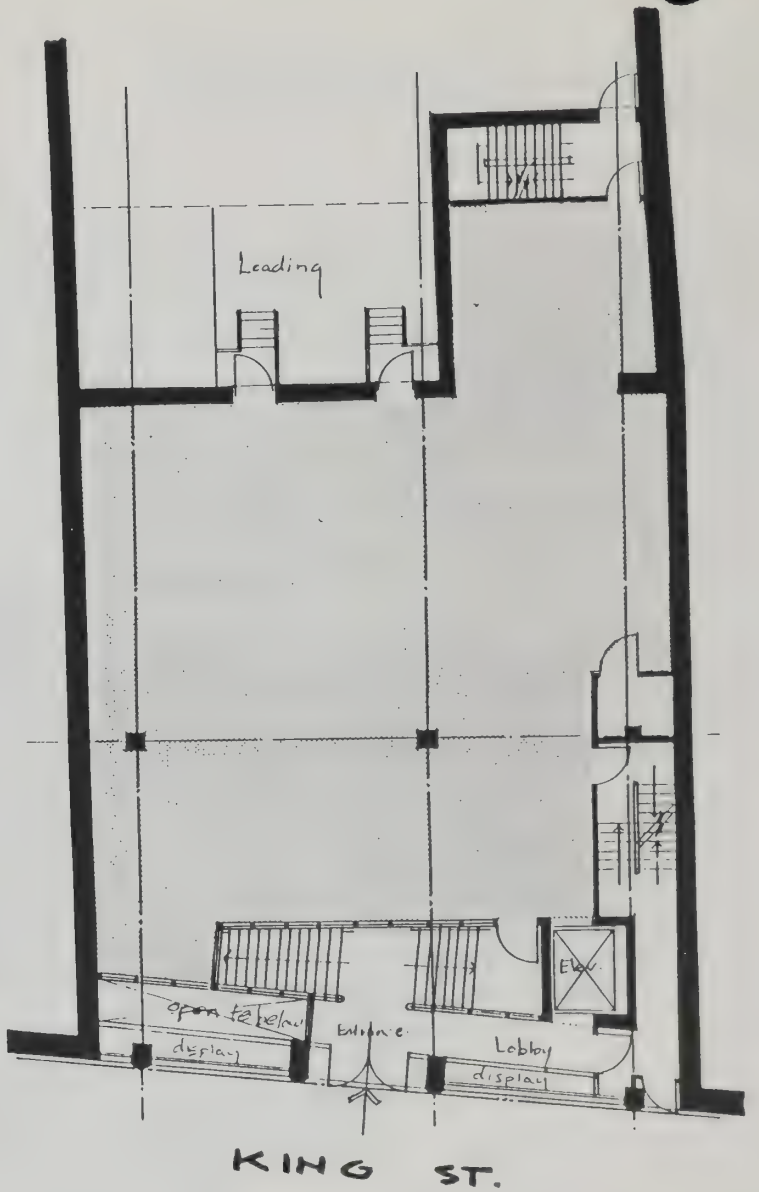


EXISTING KING STREET FACADE



COMMERCIAL - BASEMENT | EXISTING BLDG.

0 5m

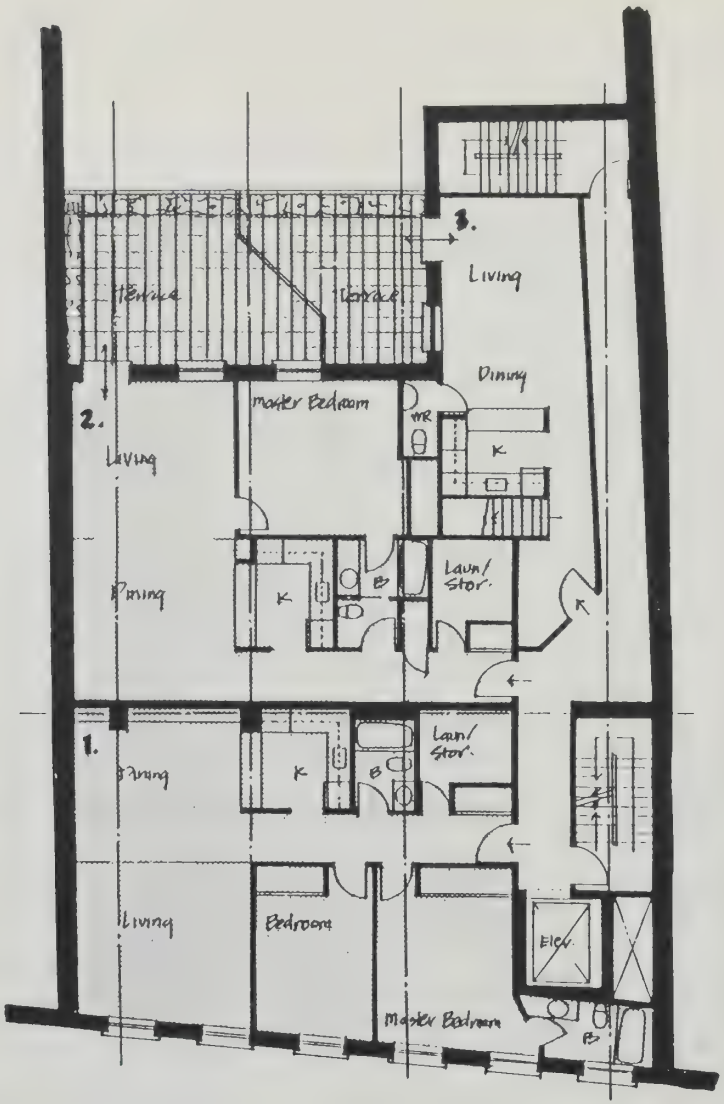


COMMERCIAL - LEVEL 1 | EXISTING BLDG.

0 5m

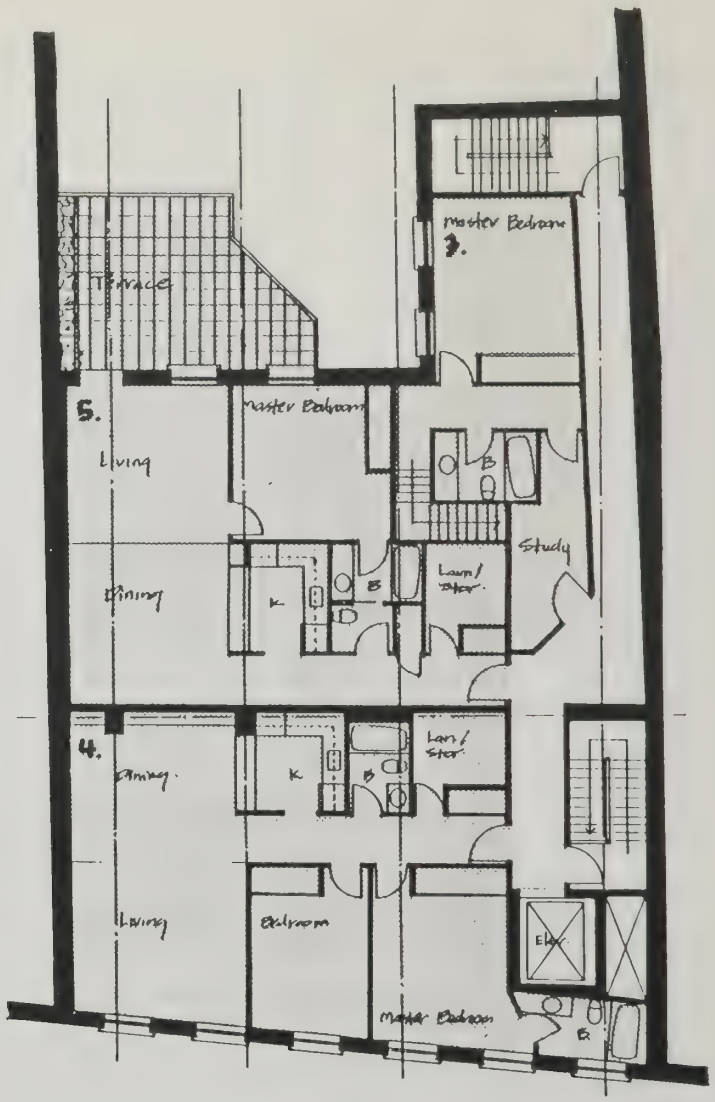
PROPOSED

PRELIMINARY CONCEPTUAL STUDY FOR THE REVITALIZATION OF 87-89 KING ST EAST
HAMILTON FOR MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION
RICHARD G. BUTTERWORTH ARCHITECT INC



RESIDENTIAL - LEVEL 2 | NEW ADDITION

0 5m



RESIDENTIAL - LEVEL 3 | NEW ADDITION

0 5m

PROPOSED

PRELIMINARY CONCEPTUAL STUDY FOR THE REVITALIZATION OF 87-89 KING ST EAST HAMILTON FOR MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION
RICHARD G. BUTTERWORTH ARCHITECT INC.

QTY	UNIT TYPE	LOCATION	CHARACTERISTICS	UNIT AREA	TOTAL AREA
MARKET VALUE UNIT COMPOSITION (30%)					
2	2 - BEDROOM (2B1L)	NEW ADDITION	ONE LEVEL TWO BATH UNIT	113.0m²	226.0m²
2	1 - BEDROOM (2B31L)	NEW ADDITION	ONE LEVEL ONE BATH UNIT	89.0m²	178.0m²
1	1 - BEDROOM (2B3TC)	NEW ADDITION	TWO LEVEL ONE AND A HALF BATH UNIT	93.0m²	93.0m²
5					**497.0m²**
COMMERCIAL AND OTHER SPACE					
	COMMERCIAL LEVEL 1	EXISTING BLDG.	FLEXIBLE DEMISABLE AREAS WITH OPTIONAL VERTICAL ACCESS		220.0m²
	COMMERCIAL BASEMENT	EXISTING BLDG.	FLEXIBLE DEMISABLE AREAS WITH OPTIONAL VERTICAL ACCESS		355.0m²
	CIRCULATION & SYSTEMS	EXISTING BLDG.			225.0m²
		NEW ADDITION			126.0m²
					906.0m²
				TOTAL	**1403.0m²**

(i)

CITY OF HAMILTON

- RECOMMENDATION -

APR 1 5 1998

DATE: 1998 March 27
S702-60, M.P. Sabelli, C.E.T.
S723-80, M.P. Sabelli, C.E.T.
S723-82 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director of Planning and Development

SUBJECT: **"Brigadoon Park", Hamilton**
"Wellington Meadows - Phase 1", Hamilton
"Wisemount Estates - Phase 10", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $ 13,800.00 in connection with "Brigadoon Park", Hamilton, $ 12,100.00 in connection with "Wellington Meadows - Phase 1", Hamilton, and $ 16,000.00 in connection with "Wisemount Estates - Phase 10", Hamilton, as the cash payments in lieu of the 5% land dedication required under Section 51 of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

DATE: 1998 March 25

"Brigadoon Park", Hamilton
"Wellington Meadows - Phase 1"
"Wisemount Estates - Phase 10"
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

BACKGROUND:

"Brigadoon Park", Hamilton

The owners of "Brigadoon Park", Pasquale Campea and Angelo Loro, will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 13,800.00.

The lands of "Brigadoon Park" are located north of Stone Church Road West, west of West Fifth Street and west of the southerly extension of Brigadoon Drive, in the Gourley Planning Neighbourhood. (see attached plan)

"Wellington Meadows - Phase 1", Hamilton

The owners of "Wellington Meadows - Phase 1", Scarlett Homes Ltd. will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 12,100.00.

The lands of "Wellington Meadows - Phase 1" are located on the north side of Stone Church Road East, west of Upper Wellington Street, in the Jerome Planning Neighbourhood. (see attached plan)

cont'd...

DATE: 1998 March 25

"Brigadoon Park", Hamilton
"Wellington Meadows - Phase 1"
"Wisemount Estates - Phase 10"
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

"Wisemount Estates - Phase 10"

The owner of Wisemount Estates - Phase 10 (822827 Ontario Inc.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

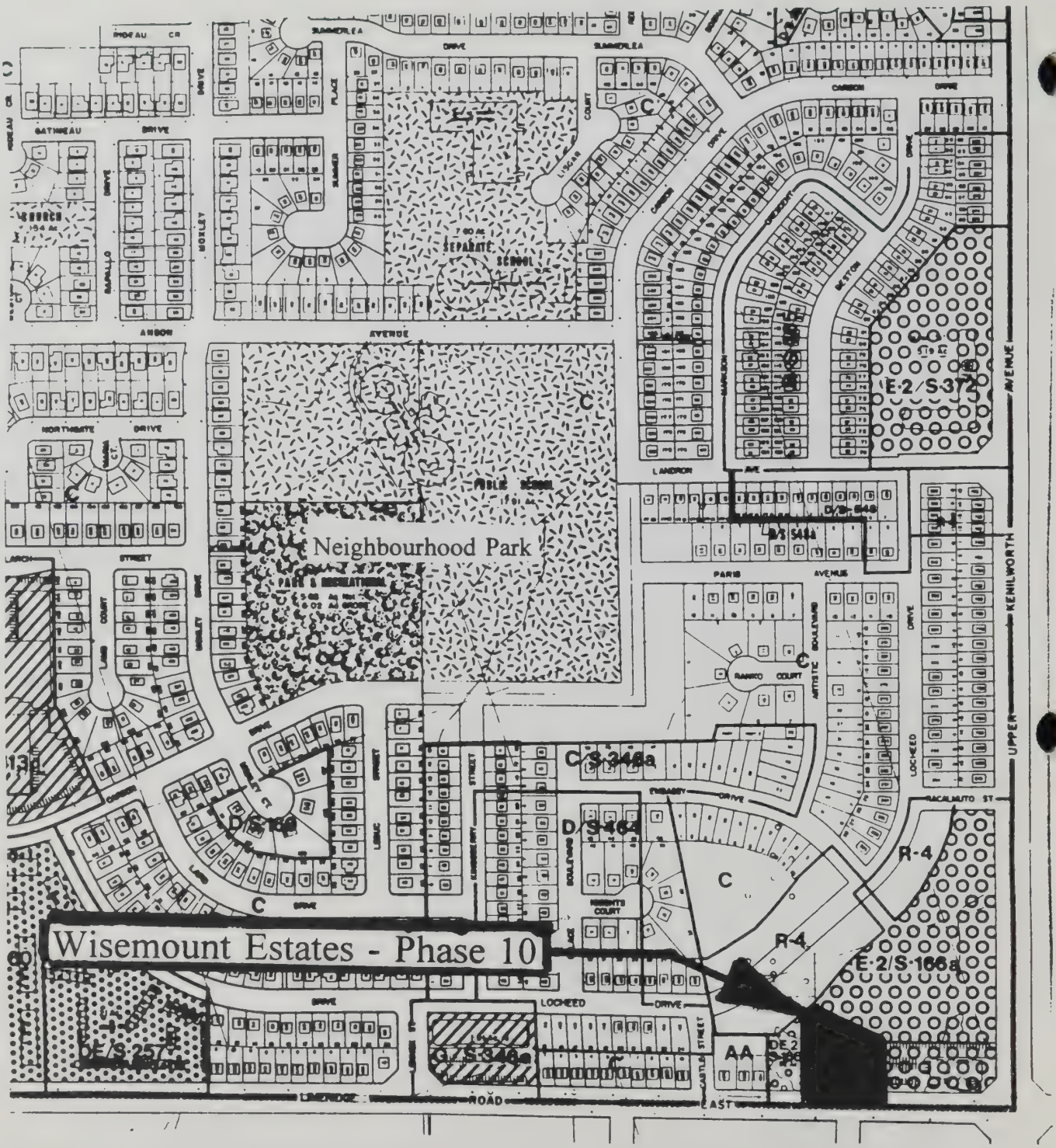
In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 16,000.00.

The lands of Wisemount Estates - Phase 10 are located on the west of Upper Kenilworth Avenue north of Limeridge Road in the Lisgar Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

MPS/PS
MB

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department



LEGEND

Subject Lands

KEY PLAN

Wisemount Estates - Phase 10

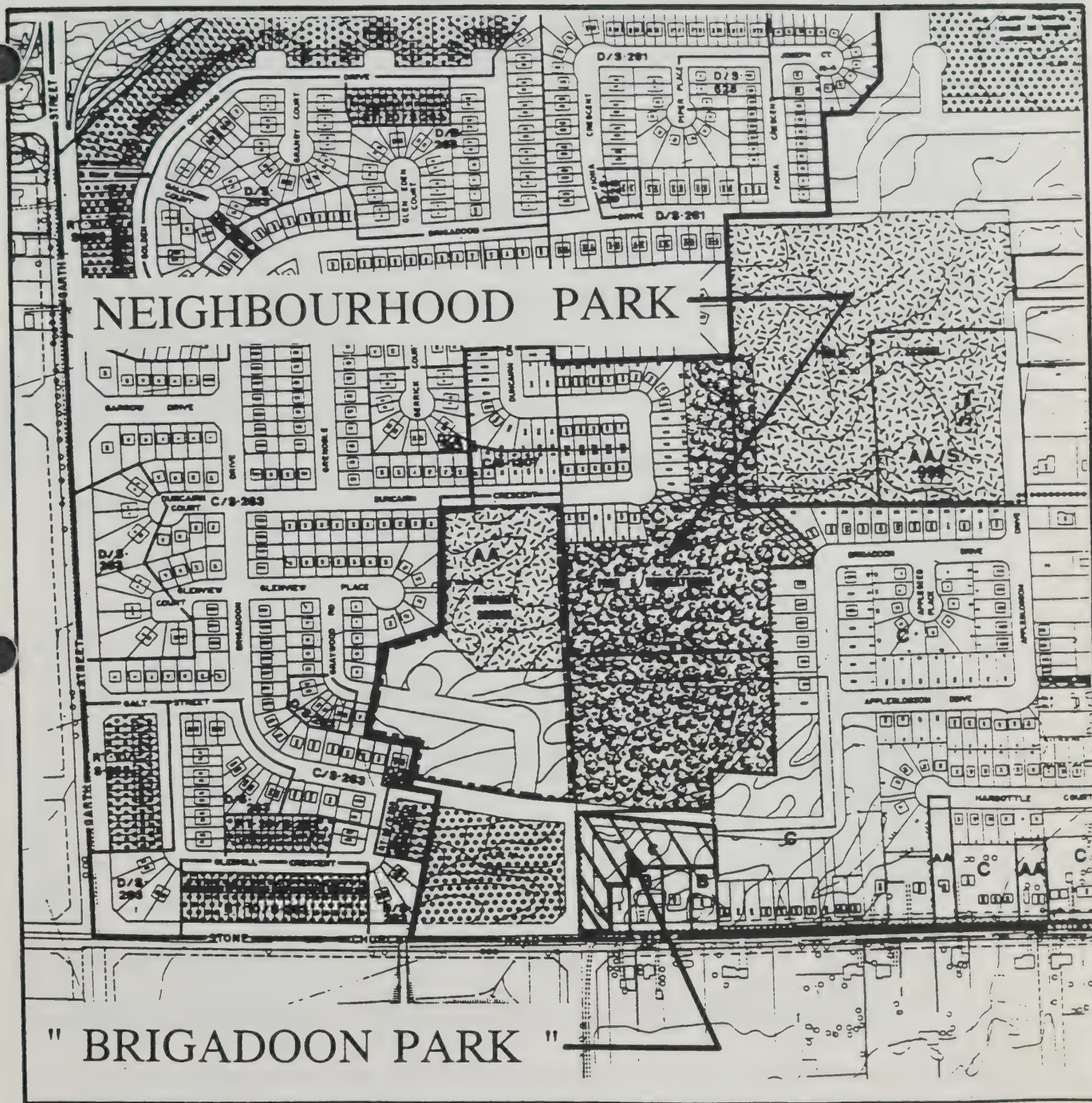
NORTH

NEIGHBOURHOOD
LISGAR

DATE
January 21, 1998

FILE No.
S723-82

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division



LEGEND

Subject Lands

KEY PLAN

" BRIGADOON PARK ", Hamilton

NORTH

NEIGHBOURHOOD

GOURLEY - APPROVED PLAN

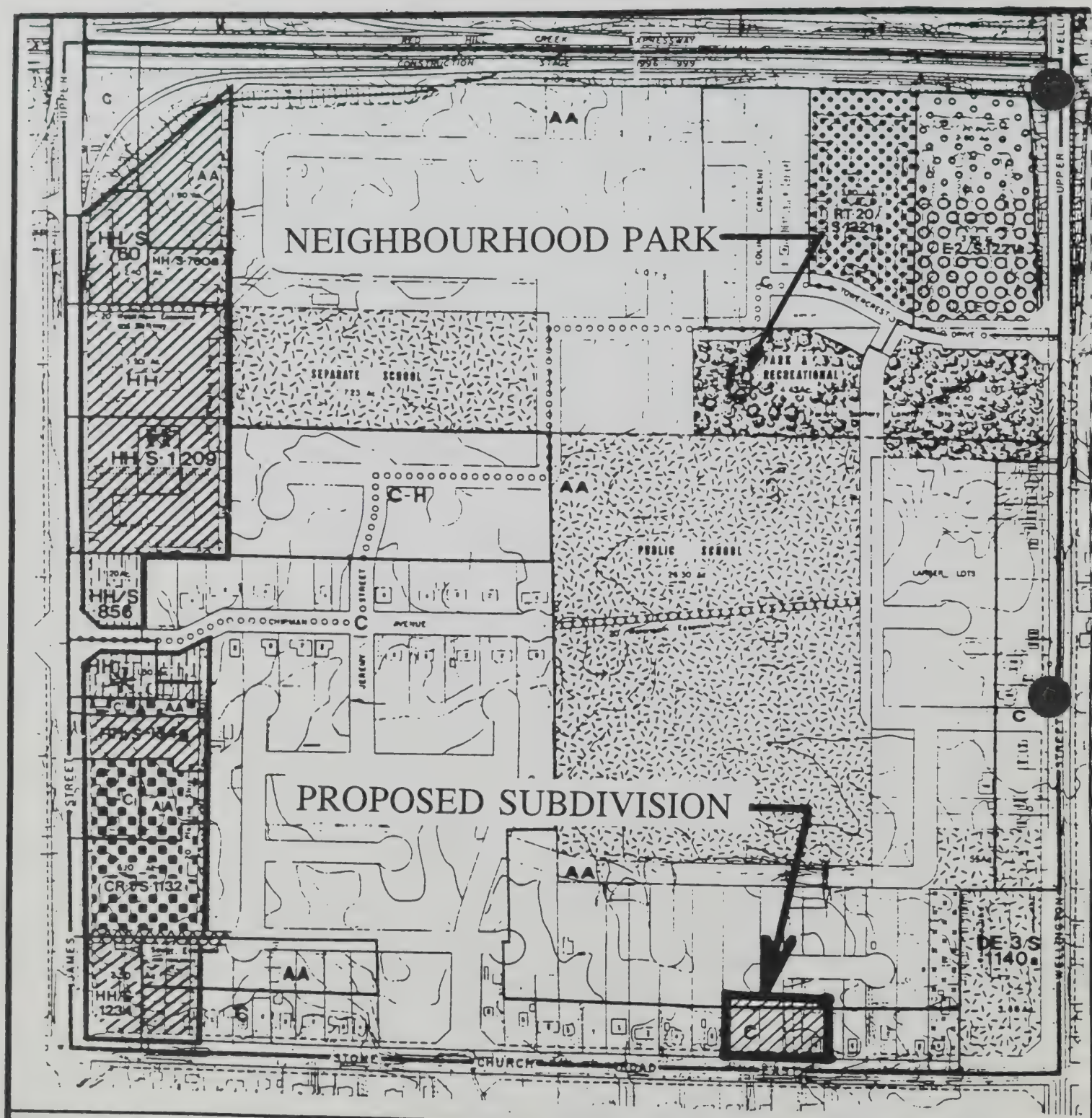
DATE

February 17, 1998

FILE No.

S702-60

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division



LEGEND

Subject Lands

KEY PLAN

"WELLINGTON MEADOWS-PHASE 1"

NORTH

NEIGHBOURHOOD
JEROME

DATE
Sept. 23, 1997

FILE No.
S723-80

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division

(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1998 April 16 ZAC-98-03 Inch Park Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	Mr. V.J. Abraham, M.C.I.P., R.P.P. Director of Planning and Development Mr. J.G. Pavelka, P.Eng Chief Administrative Officer

SUBJECT:

Amended Resolution for ZAC-98-03 - 243 Fennell Avenue East

RECOMMENDATION:

That Section 1 of the Seventh Report of the Planning and Development Committee for 1998, as approved by City Council on 1998 April 14 (attached as APPENDIX "A") be amended by deleting Section 1.(a) in its entirety and that Sections 1.(b), 1.(c), 1.(d), 1.(e), 1.(f), 1.(g), 1.(h) and 1.(i) be renumbered to 1.(a), 1.(b), 1.(c), 1.(d), 1.(e), 1.(f), 1.(g) and 1.(h), respectively.

V. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee at its meeting of 1998 April 14 approved amended rezoning application ZAC-98-03 to permit the development of 13 townhouse units and 2 semi-detached units for the property at No. 243 Fennell Avenue East. This matter was subsequently approved by City Council on 1998 April 14.

Recommendation 1.(a) introduced the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until:

"1) Submission of a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE."

Removal of the holding restriction was conditional upon the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment.

In correspondence dated April 15, 1998, the Ministry of the Environment acknowledged the receipt of the RSC for 243 Fennell Avenue East. Further, in correspondence dated April 16, 1998, the Region of Hamilton-Wentworth has indicated "they are satisfied Regional condition(s) pertaining to the submission of a Record of Site Condition on the above-noted zoning file have been met."

Accordingly, this condition of the Recommendation has been fulfilled and it is appropriate to amend Council's resolution of 1998 April 14 on this matter.

CONCLUSION:

Based on the foregoing, an amended resolution can be supported.

KE/ke

N:/KE/AMEND

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SEVENTH** Report for 1998 and respectfully recommends:

1. That approval be given to amended Zoning Application 98-03, 1215443 Ontario Inc. (Ontario Pride Construction/Michael Bobiash), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified, to permit the construction of 13 townhouse units and 2 semi-detached units, for the property located at No. 243 Fennell Avenue East, shown as Blocks 1 and 2 on the attached map marked as Appendix "A", on the following basis:

   (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

   Submission of a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

   Removal of the holding restriction shall be conditional upon the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment. City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

   (b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified; and,

   (c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 1, be modified to include the following variances as special requirements:

      (i) That notwithstanding Section 10E(2), only a maximum of one semi-detached dwelling and a townhouse dwelling having a maximum of three single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(4)(a), for a townhouse dwelling a side yard depth of not less than 4.0 metres shall be provided and maintained for the southerly lot line; and,

(iii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than three single family dwelling units shall be attached in a continuous row; and,

(d) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 2, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 10E(2), only townhouse dwellings having a maximum of ten single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row; and,

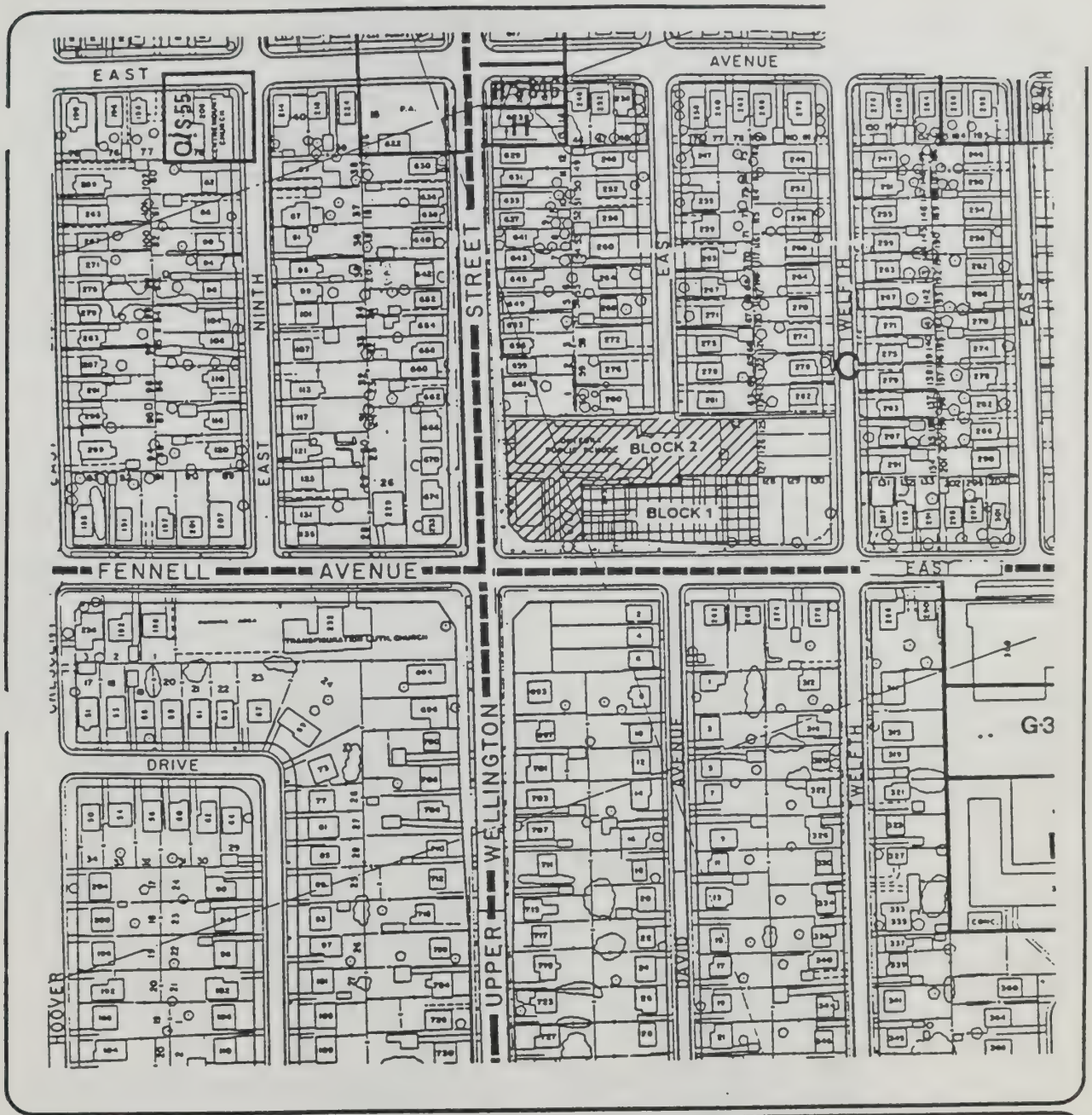
(e) That no pedestrian or vehicular access shall be permitted from East Eleventh Street; and,

(f) That the building elevation drawings as submitted with a future Site Plan application for the subject lands be consistent with the height, scale, style, character and architectural details of the proposed dwellings shown in Appendix "B"; and,

(g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1400, and that the subject lands on Zoning District Map E-16 be notated S-1400; and,

(h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-16, for presentation to City Council; and,

(i) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



Legend

Change in Zoning From:

BLOCK 1 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - "H" (Townhouse - Maisonette - Holding) District, Modified.

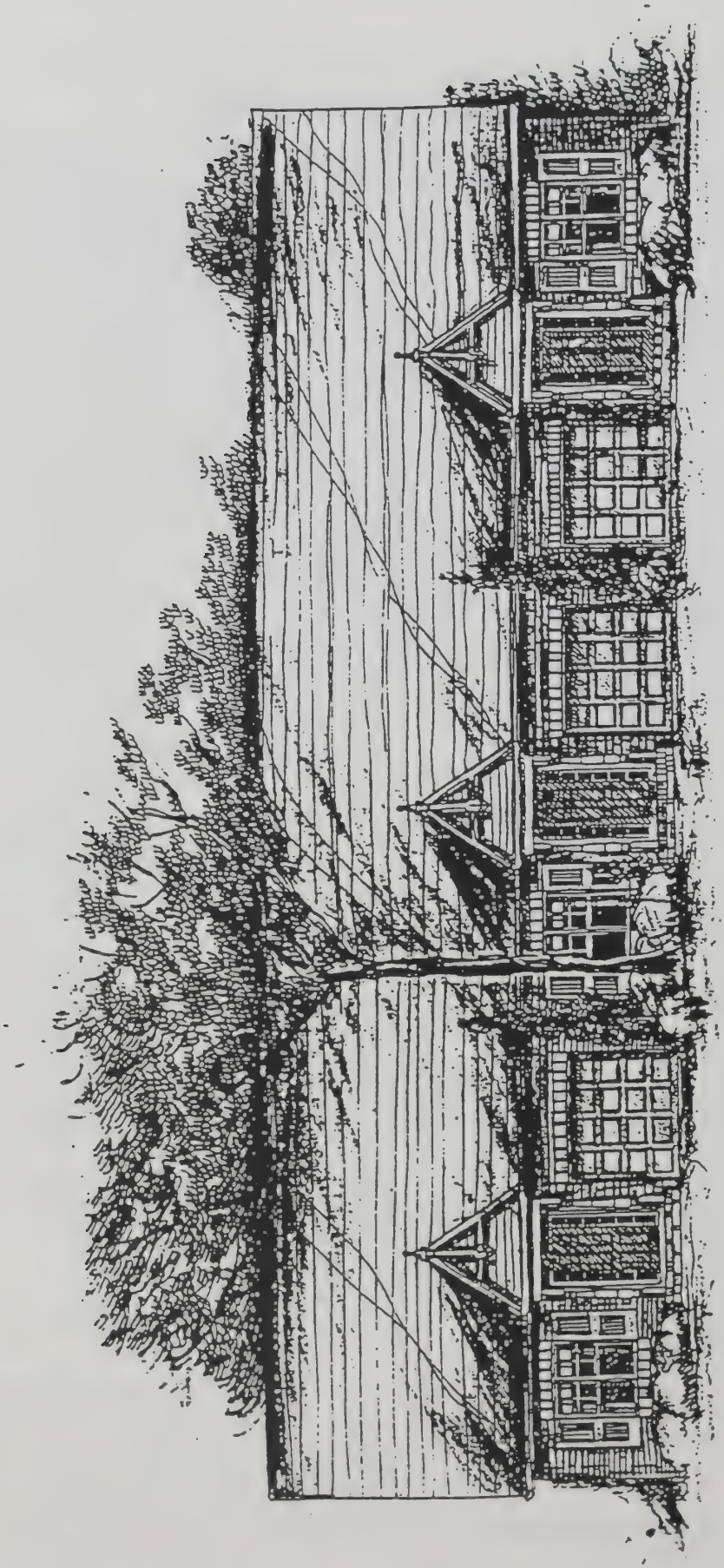
BLOCK 2 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - "H" (Townhouse - Maisonette - Holding) District, Modified.

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-03
	Date	Drawn By
	March, 1998	R. L.



ONTEORA *Place*

D i)

CITY OF HAMILTON

- RECOMMENDATION -

APR 1 5 1998

DATE: 1998 April 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: St. Mark's Centre - Repairs to Roof and Re-examination of Potential Uses

RECOMMENDATION:

a) That the City, as owner of the St. Mark's Centre (formerly St. Mark's Anglican Church) located at the corner of Bay and Hunter Streets, Hamilton, take the necessary action to repair the roof and interior features damaged when part of the mechanical penthouse roofing from the adjacent apartment building came loose and crashed through the roof during a severe wind storm on 1998 March 28; and,

b) That the City re-examine potential uses for the St. Mark's Centre including, but not limited to, ancillary municipal functions such as office and/or meeting space, performance and/or meeting space for cultural and/or community groups, etc., with the intent of putting the building back in use.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Remedial clean up and repairs to the building have been carried out by the Building Operations and Maintenance Division, Culture and Recreation Department, at an estimated cost of $5,000. These expenditures have been financed through the Department's Maintenance Operating Budget.

A preliminary report of a Structural Engineering Consultant, based on a Construction Contractor's estimates, show that an additional $35,000 (approximate) would be required to repair the roof and interior damage to this building. This expenditure would however, qualify under the City's insurance and would be funded through the Reserve for Insured Losses, an existing account created for such purposes.

As approved by City Council on 1994 September 27, a Restoration Architect and a team of Consultants examined the condition of the building and provided immediate, short term and long term cost estimates for the building's maintenance and restoration. It is however, difficult to identify the costs involved in the building's restoration without first identifying a specific use for the building.

BACKGROUND:

On 1998 March 28, as a result of a severe wind storm, a 1,000 lb. piece of mechanical penthouse roofing from the adjacent apartment building, came loose and crashed through the roof of the St. Mark's Centre.

This 1877 building was designated as a historically and architecturally significant building under the Ontario Heritage Act by City Council in 1994 December. As indicated in the Reasons for Designation, the designated features include the original features of the east, north and south facades; the original window openings and doors; the Sunday School addition; the bell tower; and, the entrance porch. Also important to the site is the retention of the open green space which provides the church with a unique setting among the City's downtown churches.

The building was purchased by the City in 1994 for public use and open space through the Reserve for Park Lands (5% Land Dedication) Account and provides the high-density Durand Neighbourhood with much needed open space.

The property consists of a front garden forecourt and a 5,000 square foot building containing an auditorium space that would accommodate approximately 250-300 people as well as a sizable lobby/meeting space in the parish hall. Several interested potential tenants have approached the City to propose a cost sharing approach to open the building to public use.

A number of upgrades including the addition of washrooms and barrier free access would be necessary before the vacant building could be used.

With the relocation of a number of City and Regional Departments, the building, which is across the street from City Hall, could be considered as a possible municipal office and/or meeting space with access to the City Hall Carpark. With the relocation of a number of Regional offices to City Hall in the coming months and the decentralization of other municipal offices, additional office and/or meeting space could be accommodated in this building.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Ross Fair, Director, Culture and Recreation Department
Rob Swan, Manager, Building Operations and Maintenance Division
Rose Salayko, Co-Ordinator of Claims and Administrative Services, Department of Public Works and Traffic

D ii)

CITY OF HAMILTON

- RECOMMENDATION -

APR 14 1998

DATE: 1998 April 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Disposition of Lands on Escarpment Brow - Comprehensive Plan for Future Use

RECOMMENDATION:

That the Planning and Development Department be requested to undertake a study to develop a comprehensive plan for the future use of Hamilton Psychiatric Hospital and Chedoke Hospital lands, which are scheduled to become available in the event that the hospitals are closed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

Touzel

BACKGROUND:

The Hamilton Psychiatric Hospital and Chedoke Hospital, situated on the Niagara Escarpment, are scheduled to close, following a recommendation by the Province's Health Services Restructuring Commission.

At its meetings held 1998 January 6 and 20, the LACAC Research Sub-Committee was concerned that the historic buildings and open spaces on the hospital grounds would be subject to potentially insensitive development. The lands are currently zoned for single-family residential and at present, no plan for the future use of these lands has been developed.

The study is being recommended to address the concerns of the Local Architectural Conservation Advisory Committee regarding the endangered historic buildings on these sites, and its support of the Hamilton Region Conservation Authority's endeavour to preserve open spaces and public access to escarpment lands.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Ben Vanderbrug, General Manager, Hamilton Region Conservation Authority

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 16

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Mohawk College Building and Construction Sciences Re: Jerome Neighbourhood Development Presentations, dated 1998 March 27

(b) Secretary, LACAC Re: Minutes of the Meeting held 1998 March 9, dated 1998 April 6

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

URBAN/MUNICIPAL
CA4 ON HBL A05
C S1P4
1998



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
MAY 4 1998
GOVERNMENT DOCUMENTS

Wednesday, 1998 May 6
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-08, by Giovanni (John) Fortino, owner, for a change in zoning from "H" District to "RT-30" District, modified, for lands located at 41 and 51 Wilson Street and 99 John Street North.

2. Zoning Application 97-36, by Sisters of St. John the Baptist, owner, for a further modification to the established "C" District, for property located at 329 Mohawk Road West.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

3. Zoning Application 98-10, by J.D. Rosset, owner, for changes in zoning from "H" District and "C" District to "DE" District for lands located at 1516 Main Street West.

4. **BIA DELEGATIONS**

Bradley Tye, Barton Village BIA
Betty Toplack, Concession Street BIA
Ollie Thompson, City Lites - King Street Easst Association

5. **PREVIOUSLY TABLED**

a) ZA-97-33, 852 Upper Wentworth Street

b) St. Mark's Centre - Repairs to Roof and Re-Examination of Potential Uses

6. **BUILDING COMMISIONER**

25 Stapleton Avenue (for discussion)

7. **DIRECTOR OF PLANNING AND DEVELOPMENT**

City Initiative 98-A, Site Plan Control Areas.

8. **CONSENT AGENDA**

9. **OTHER BUSINESS**

10. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
3.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
4.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
5.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
6.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for report	Report pending
7.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
8.	Planning Tariff Fees - Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
9.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending
10.	RHPA Application CD-97-002, 21 Kendale Court	1997 August 20	Clarification re: reserve funds for major repairs & resolve parking issue	Tabled for 1 month
11.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
12.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
13.	ZA-97-33, 852 Upper Wentworth Street	1998 April 22	Ald. Kelly to meet with the Applicants	Tabled to 1998 May 6
14.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
15.	OPA - Protection of Rental Housing Stock	1998 April 22	Evening Public meeting to be held in one month	Meeting to be re-advertised and scheduled
16.	St. Mark's Centre	1998 April 22	Information requested on funding of repairs	Pending

1998 April 27

1.

CITY OF HAMILTON

- RECOMMENDATION -

APR 29 1998

DATE: 1998 April 28
ZAC-98-08
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - 41 and 51 Wilson Street and 99 John Street North

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-98-08, Giovanni (John) Fortino, owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "RT-30" - 'H' (Street - Townhouse - Holding) District, modified to permit the development of 9 street townhouses, for property located at on the east side of Hughson Street North, north of Wilson Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner submits a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in this By-law, by enactment of an amending By-law once the condition is fulfilled;

(ii) That the lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "RT-30" - 'H' (Street Townhouse - Holding) District;

(iii) That the "RT-30" (Street Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1) That notwithstanding Section 10F(3), a maximum height of four (4) storeys shall be permitted;

2) That notwithstanding Sections 10F(4)(b) and (c), a minimum 6.0 m rear yard and 1.5 m side yards shall be provided and maintained;

3) That notwithstanding Section 10F(6), a minimum lot area of 124.0 m^2 and a minimum lot width of 5.6 m shall be provided and maintained for each single family dwelling unit;

4) That notwithstanding 10F(9), not more than nine (9) single family dwellings shall be attached in a continuous row;

5) That notwithstanding Section 18(3)(vi)(e), the uncovered front porch may encroach into the front yard;

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that subject lands on Zoning District Map E-4 be notated S- ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council; and,

(vi) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "RT-30" - 'H' (Street Townhouse - Holding) District for lands located on the east side of Hughson Street North, north of Wilson Street, as shown on the attached map (APPENDIX "A").

The effect of the By-law is to permit the construction of nine (9) street townhouse dwellings with the following variances:

- a maximum height of four (4) storeys shall be permitted, whereas three (3) storeys are required;

- a minimum rear yard of 6.0 m and minimum side yards of 1.5 m, whereas a minimum rear yard depth of 7.5 m and minimum side yards of 2.5 m are required;

- a minimum lot area of 124.0 m^2 and a minimum lot width of 5.6 m, whereas a minimum lot area of 180 m^2 and a minimum lot width of 6.0 m is required;

- not more than nine (9) single family dwellings may be attached in a continuous row, whereas eight (8) are permitted; and,

- the uncovered front porch may encroach into the front yard.

In addition, the amending by-law establishes the holding provision of Section 36(1) of the Planning Act, R.S.O., 1990, on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE) to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in the By-law by enactment of an amending By-law one the condition is fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is proposing to develop the subject lands for nine (9) street townhouses (see APPENDIX "B" attached). This is an amendment to the original proposal for ten (10) street townhouses with access from a lay-by constructed within the Hughson Street road allowance.

- Land Division Application B-98-16

  The Committee of Adjustment, at their meeting of March 18, 1998, tabled an application to sever the subject lands from a larger parcel pending the outcome of the rezoning application.

- Zoning Application ZA-94-14

  In May, 1994 the applicant submitted a rezoning of the subject lands, as well as additional adjacent lands, for two (2) three (3) storey multiple dwellings (stacked townhouses) with a total of 72 units. The application was never brought forward to a public meeting, and the file was subsequently closed in December, 1995 due to inaction.

APPLICANT:

Giovanni (John) Fortino, owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of approximately 57.6 m (187.09 feet) on Hughson Street North;
- a depth of 22.6 m (73.9 feet); and,
- a lot area of 0.1281 ha (0.3 acres).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Parking Lot	"H" (Community Shopping and Commercial, etc.) District
Surrounding Lands		
to the north	Semi-detached dwelling	"H" (Community Shopping and Commercial, etc.) District
to the east and south	Parking lot, church	"H" (Community Shopping

		and Commercial, etc.) District
to the west	Commercial plaza, office and parking lot	"H" (Community Shopping and Commercial, etc.) District and "H" (Community Shopping and Commercial, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "Central Policy Area" on Schedule 'A' - Land Use Concept and within Special Policy Area 3 on Schedule 'B' - Special Policy Areas of the Official Plan. The following policies, amongst others, apply:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii); (O.P.A. No. 27)

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;

v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

iv) Support RESIDENTIAL conversion of under utilized commercial space to residential which does not undermine the primary commercial use/ function of the neighbourhood, subject to the provisions of Subsection A.2.2;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;"

The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Attached Housing" in the approved Beasley Neighbourhood Plan. The proposal complies with the Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.
- The Treasury Department advises that there are taxes owing on the property.
- The Building Department advises:

"1. Land Severance application H-98-:16 must be final and binding and all the conditions must be met.

2. It is required that each single family dwelling in a street townhouse front on a public street of a width of at least 12.0 m, which is used by the general public for the passage of vehicles and shall not share any driveway or common space. Eight (8) of the proposed ten (10) townhouse dwelling units do not front on a public street as mentioned above due to the proposed landscaped strip and 2' high masonry fence. The proposed 9' wide access land in the road allowance is not considered a public street and may be classified as a shared driveway, which is not permitted.

3. The proposed optional fourth floor loft exceeds the maximum permitted three (3) storey height.

4. The proposed street townhouse is required to provide the following yards:

    - 6.0m front yard
    - 7.5m rear yard
    - 2.5m side yard for a townhouse, not exceeding 3 storeys in height.

5. The proposed bay windows and balconies must be at least 5.0m from the front lot line and at least 6.5m from the rear lot line.

6. The uncovered front porch extends more than 1.0m above the floor level of the first storey and therefore may not encroach into the required front or side yards.

7. The minimum required lot area of 180.0 sq.m. for each single family dwelling unit and the minimum required lot width of 6.0m for each single family dwelling are not provided.

8. Not more than eight (8) single family dwellings shall be attached in a continuous row.

9. A minimum clear parking space of 2.7m x 6.0m shall be provided in the attached garage with no stair or door swing encroachments.

10. The attached garage finished floor level shall be at least 0.3m above grade.

11. The remaining lands of Land Severance application B-98:16, which are currently used for the purpose of public parking lot, will require compliance with the "G-3" District provisions of Zoning By-law 6593 for any proposed

changes to same."

- The Department of Public Works and Traffic advises:

"The revised plan proposes a narrowing of the driveways between the property line and the back of the sidewalk in order to maintain 6.0 m (20ft.) between the driveways to accommodate on-street parking spaces. This reduction in driveway width will result in providing marginal manoeuvring at best for vehicles turning into the driveways, in particular, when vehicles are parked in the adjacent driveway.

In addition, the typical design of an approach extends .5 of metre or 19 inches on each side of the driveway, as shown on the attached plan. We have been advised that if vehicles are parked within .5 of a metre of the approach they are subject to parking enforcement for obstructing a driveway. If we accept the proposed design, the construction of the approach and the standard for enforcement would reduce the area between the driveway to 4.26 m (14.0ft.) in which to legally park a vehicle. This condition would likely result in motorists perceiving that there was sufficient space to park and being ticketed for obstruction of the driveway. Therefore, we recommend that the driveways be modified to provide widths of 6.0m or 3.0 m for the single driveways and the on-street parking be deleted from the plan."

- The Regional Environment Department (Development Engineering Services) advises:

" ...we advise that there are public watermains and combined storm and sanitary sewers available to service the subject lands.

1. The designated road allowance width of John Street and Wilson Street is 26.213 m with 3.048m daylight triangles at strategic intersections. In accordance with these designations, the applicant/owner should be advised of the following future road widenings:

   i) Approximately 3.42 m from the lands adjacent to John Street (Survey Plan P-822A),

   ii) Approximately 3.048 m from the lands adjacent to Wilson Street.

   iii) A 3.048 m by 3.048 m daylight triangle taken from the widened north west angle at the intersection of John Street and Hughson Street.

2. It would appear that the driveway widths at the Hughson Street curb line have been reduced from the widths at the property line in order to provide on-street metered parking spaces between the townhouse driveways. We recommend that the proposed access widths, street parking dimensions and the provision of metered parking on this section of Hughson Street be confirmed with the

Department of Public Works and Traffic.

3. All proposed landscaping and trees must be located on private property outside the limits of Hughson Street unless specifically approved by the Forestry Section of the City of Hamilton Department of Public Works and Traffic. Any trees within the boulevard should be the high canopy variety in order that motorist visibility is still maintained.

   We require that the maximum height of any object or mature vegetation within the portion of property contained within a 3.0 m x 3.0 m visibility triangle between the accesses and the Hughson Street road allowance must not exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of Hughson Street.

4. Any other works which may occur within the Hughson Street road allowance must conform to the City of Hamilton Streets By-law. Prior to the undertaking of any works we recommend that the applicant/owner contact all the respective Utilities to ensure that the works do not adversely affect their facilities."

The Regional Environment Department (Planning) advises:

"Regional Comments: The subject lands are identified as "Urban Area - Regional Centre", in the Hamilton-Wentworth Official Plan (HWOP).

Policy D.8.1.1 under "Land Severance" of the HWOP, states in part, the following:

> "Policies in the Area Municipal Official Plans for Urban Areas will only permit consents where full municipal services are available, or will be available within one year and will not interfere with planned development".

As such, since the proposed development requires the approval of a rezoning to permit the proposed residential development, the lands in question should not be severed until the required rezoning is approved for these lands.

In addition, since the proposal is to permit residential use, not enough information is provided in the application to indicate whether the subject lands may have been contaminated by former uses on the site or adjacent sites. This information should be provided in order to address Policy B.2.3 "Contaminated Site Remediation", of the HWOP (attached). The information should be obtained by completing Section 10 of the new application form (attached).

Therefore, this Department cannot comment on this application until the above noted information is provided.

PROVINCIAL COMMENTS:

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application requires further demonstration of how it has regard for the following policy of the PPS:

3. Public Health and Safety
3.2 Human-made Hazards
3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect."

The information was not received at the time of the writing of this report and the Region has subsequently advised:

"...approval of a rezoning to permit residential development on the subject lands should be conditional upon the following:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of the receipt of the RSC by the MOE."

COMMENTS:

1. The proposal complies with the Official Plan and the approved Neighbourhood Plan.

2. The proposal has merit and can be supported on the following basis:

   - it complies with Official Plan which encourages housing opportunities in close proximity to the downtown;

   - it complies with the approved Neighbourhood Plan which designates the lands for "Attached Housing"; and,

   - it is an appropriate infill development on under utilized lands currently used for parking.

3. The applicant's original proposal included ten (10) units accessable by means of a lay-by from the Hughson Street road allowance. This proposal was subsequently amended to nine (9) street townhouses with driveway access to Hughson Street.

   The Building Department comments identify a number of variances required for the

amended application. Specifically:

- a maximum height of 4 storeys whereas, 3 storeys are permitted;

- a minimum of rear yard depth of 6.0 m and a minimum side yard of 1.5 m, whereas a minimum 7.5 m rear yard and a minimum 2.5 m side yard are required;

- permit an uncovered porch to encroach into the front yard;

- a minimum lot area of 124.0 m^2 and a minimum lot width of 5.6 m, whereas a minimum lot area of 180 m^2 and a minimum lot width of 6.0 m is required; and,

- permit 9 single family dwellings attached in a row, whereas 8 are required.

The regulations for street townhouses in the Zoning By-law were established for a "greenfields" situation in a suburban context. This proposal however, is located as an infill situation in close proximity to the downtown core. There are existing developments in the Beasely Neighbourhood with similar lot sizes and widths. In this regard, minor variations to the by-law can be supported recognizing the context of this development within the downtown area.

4. The applicant has proposed reducing the driveway approaches from 6.0 m to 5.7 m to maintain some on-street parking on Hughson Street. The Public Works and Traffic Department has advised that this reduction will reduce manoeuvring for vehicles turning into the driveway and a reduction of the on-street parking space and subsequent enforcement/ticketing. Based on these concerns, the reduction in the driveway approach as proposed by the applicant cannot be supported. This matter and others such as landscaping, grading, drainage, etc. will be reviewed at the Site Plan Control stage of the development as the proposed "RT-30" (Street Townhouse) District is subject to Site Plan approval.

5. The Regional Environment Department (Planning) has advised that since the applicant has been unable to provide information to indicate whether the subject lands may have been contaminated by former uses on the site or adjacent, that approval of the rezoning should be conditional upon the submission of a signed Record of Site condition (RSC) to the Region and The Ministry of Environment (MOE), to the satisfaction of the Region, and including an acknowledgement of receipt of the RSC by the MOE.

Based on the foregoing, it is appropriate to place the subject lands in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision would prohibit the development of the subject lands until such time as the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (M)E), to the satisfaction of the Region, and including an

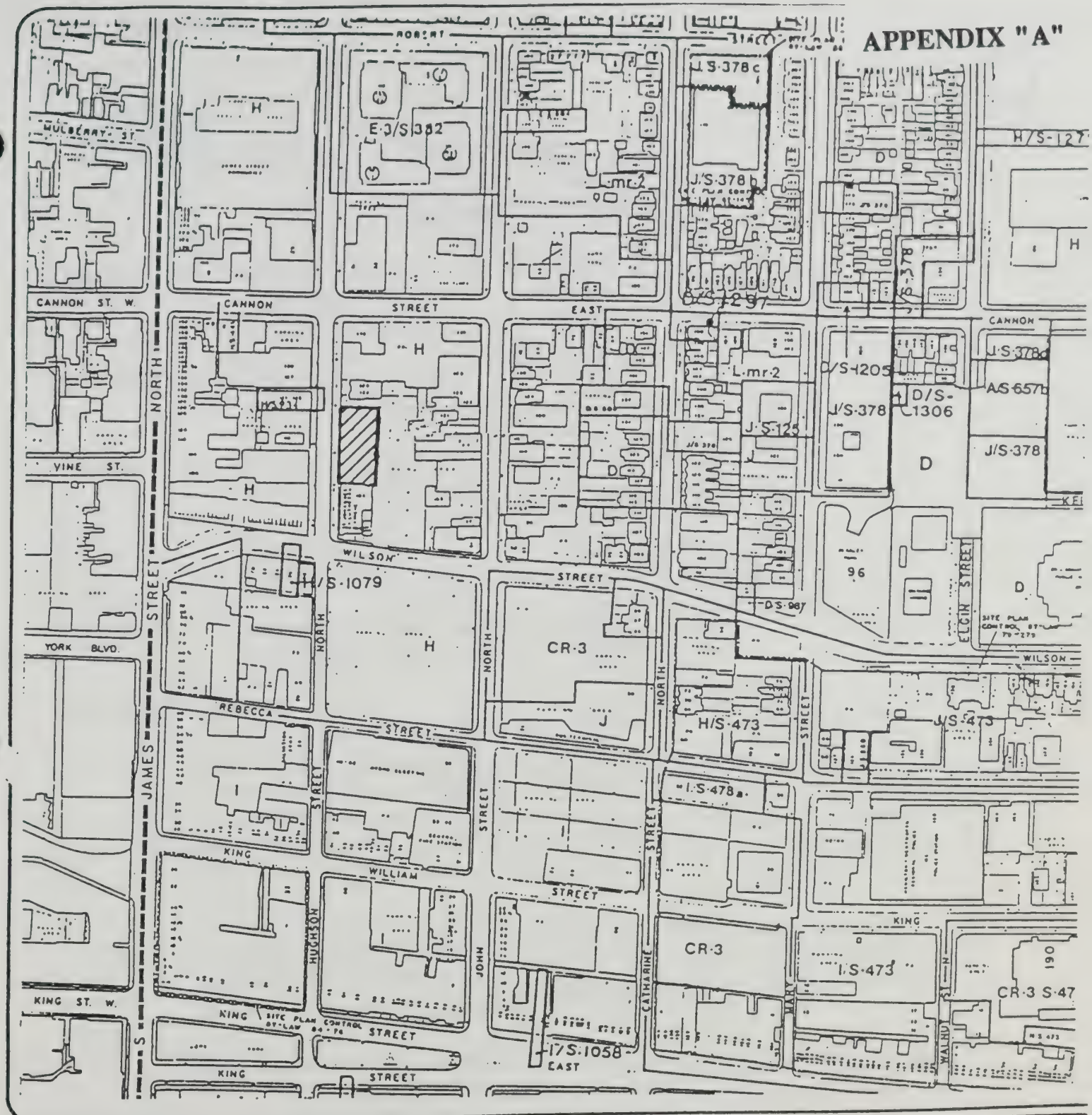
acknowledgement of receipt of the RSC by the MOE. The City may remove the 'H' symbol, and thereby give effect to the appropriate zoning district of the by-law, by enactment of an amending by-law, once the condition is fulfilled.

CONCLUSION:

Based on the foregoing, the amended application can be supported.

CLF/
ZAC-98-08

APPENDIX "A"



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No
	NOT TO SCALE	ZAC-98-08
	Date	Drawn By
	FEBRUARY, 1998	D.L.

APPENDIX "B"

KEY PLAN
EXISTING PARISH HALL
EXISTING RECTORY
HUGHSON STREET
THE TERRACES OF HUGHSON
JOHN PORTINO
R.F. LINTACK ARCHITECT INCORPORATED
PRELIMINARY NOT TO BE USED FOR CONSTRUCTION

2.

CITY OF HAMILTON

- RECOMMENDATION -

APR 29 1998

DATE: 1998 April 28
ZAC-97-36
Rolston Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in zoning - 329 Mohawk Road West.

RECOMMENDATION:

A. That approval be given to Zoning Application ZAC-97-36, Sisters of St. John the Baptist, owner, for a further modification to the "C" (Urban Protected Residential, etc.) District, to permit the construction a two (2) storey addition to the west end of the existing convent, located at 329 Mohawk Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of By-law No. 6593 as amended by By-law 67-97, applicable to the subject lands, be further modified to include the following variances as special requirements:

a) Notwithstanding Schedule "A" of By-law 67-97, an 18.80 m minimum front yard shall be provided and maintained for the two (2) storey westerly addition along the northerly lot line;

b) Notwithstanding Schedule "A" of By-law 67-97, a 4.5 m minimum westerly side yard shall be provided and maintained for the two (2) storey westerly addition;

c) Notwithstanding Schedule "A" of By-law 67-97, one (1) parking space shall be permitted within the required front yard along Mohawk Road West;

d) Notwithstanding Schedule "A" of By-law 67-97, the parking area, existing on the day of passing of this by-law, shall be permitted within the required front yard along Lynbrook Drive;

e) Notwithstanding Schedule "A" of By-law 67-97, an accessory building, existing on the day of passing of this by-law, shall be permitted within the front yard along Lynbrook Drive;

f) That a planting strip having a width of not less than 4.75 m shall be provided and maintained along the westerly lot line;

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-41a, and that the subject lands on Zoning District Map W-17 be notated S-41a;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17 for presentation to City Council; and,

iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-223, be amended by adding the subject Lands to Schedule "A".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations, for the property located at 329 Mohawk Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the construction of a two (2) storey addition to the west end of the existing convent.

In addition, the By-law provides for the following variances:

- To permit an 18.80 m (61.0 ft.) front yard for the proposed two (2) storey addition whereas 21.30 m (70.0 ft) setback is required;
- To permit a 4.5 m (15.0 ft.) westerly side yard for the proposed two (2) storey addition whereas a 9.1 m (30.0 ft) setback is required;
- To permit one (1) parking space within the required front yard along Mohawk Road West whereas none are permitted;
- To permit the existing parking area within the required front yard along Lynbrook

- To permit the existing accessory building within the required front yard along Lynbrook Drive;

- To require a planting strip having a width of not less than 4.75 m along the westerly lot line whereas none is required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant (Sisters of St. John the Baptist) proposes to expand the existing convent, which also operates as a day nursery/school, by adding a two (2) storey addition to the west end of the building. The new addition, approximately 493.42 m^2 (5,311.40 S.F.) on two (2) floors will provide facilities for physically challenged nuns including four (4) bedrooms, guest room, handicapped washroom, living room, study, convent and reception office, parlour/vestibule, refrigerated garbage and storage rooms, and connections to existing convent dinning room and bedrooms. The day nursery facilities will remain unchanged.

- By-law 67-97

By-law 67-97 was passed in March 14, 1967 to regulate the development of the subject lands by stipulating, that notwithstanding the "C" District provisions of Zoning By-law No. 6593, the subject lands may be used for the purposes of a Day Nursery without limitation upon the number of children, without restriction on the location of the outside play area, and may be used for living accommodation for Sisters. In addition, any building or structure erected on the lands must be within the building envelope defined on Schedule "A" of By-law 67-97 (See Appendix "B");

- Committee of Adjustment A-71:105

On December 14, 1971 the Committee of Adjustment granted a minor variance to permit a 20'- 0" wide driveway at the rear, subject to the following:-

1. That the driveway and turning area is to be used for pickup and discharge of children only and no parking of vehicles is to be permitted in this area.

The driveway is to provide access from Lynbrook Drive to the existing nursery school.

APPLICANT:

Sisters of St. John the Baptist, owner.

LOT SIZE AND AREA:

- 99.32 m (325.85 ft.) frontage;
- a depth of 33.83 m (110.9 ft.); and
- an area of 10,131.0 m^2 (2.5 acres).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Convent and Day Nursery	"C" (Urban Protected Residential, etc.) District modified
to the north	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Single Family Dwellings Public School	"C" (Urban Protected Residential, etc.) District
to the east	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Major Institutional" on Schedule "A" - Land Use Concept of the Official Plan. The following policies should be noted:

"2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;

ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area;

iii) Adequate provision has been made for access by the physically disabled and senior citizens; "

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Civic and Institutional" on the approved Rolston Neighbourhood Plan. The proposal does not conflict with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED:

- The following Departments and Agencies have no comment or objections:

  - Department of Public Works and Traffic;
  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Regional Environment Department has advised that:

  "There are public watermains on both Mohawk Road West and Lynbrook Drive to service the subject lands. There are separate storm and sanitary sewers available on Mohawk Road West to service these lands. There are separate storm and sanitary sewers on Lynbrook Drive however, they start at Montcalm Drive and go westerly from there. To service the subject property fronting the majority of Lynbrook Drive, the owner would have to enter into a Service Agreement with the Region to extend the services at their own expense.

  According to the plans submitted by the applicant/owner, the brick pillar posts which appear to form part of the fence along Mohawk Road encroaches into the Mohawk Road road allowance, as widened. This encroachment is contrary to the Region of Hamilton-Wentworth Roads Use By-law and remains at the sole risk of the applicant/owner.

  Any other works which may occur within the Mohawk Road road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Building Department has advised that:

"1. The property fronts on two streets (Mohawk Road West and Lynbrook Drive) and is therefore a "through lot" with a front yard abutting upon **each** street.

2. The proposed addition does not conform with the maximum permitted building envelope, the required 70.0' setback from the Mohawk Road West front lot line and the required 30.0' setback from the westerly side lot line as illustrated in Schedule "A" of amending By-law 67-97.

3. In 1971 it was established that the convent/nunnery (living accommodation for sisters) and the five (5) classroom day nursery was required to provide five (5) parking spaces on site. The addition of the "playroom" in 1971 and the "gym" in 1988 were exempt from providing any additional parking.

   Five (5) legal non-conforming parking spaces are recognized for the above mentioned uses. Only the three (3) parking spaces provided within the attached garage, one of which is proposed to be removed, are recognized as the original legal non-conforming parking. The parking area to the northwest and the parking area to the northeast area new to this property and the parking area to the south, although shown on the plans for the gym addition, were not approved with respect to Site Plan Control. All three parking areas are considered as new to this property.

4. The following minimum dimensions must be provided:

   2.7m x 6.0 parking space
   2.7m x 6.0m manoeuvring space
   5.5m mutual access driveway
   3.0m one-way access driveway

   No dimensions have been provided in order to determine compliance.

5. All parking areas must be at least 6.0m from both street lot lines.

6. Every parking area and access driveway must be paved, graded and drained.

7. As this lot is a through lot, there is no rear yard and therefore accessory buildings are not permitted. The shed, as shown, is not permitted. The sandbox and other playground equipment are not subject to the accessory building requirements.

8. It is unclear as to what the larger of the two shaded areas is meant to represent."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The subject lands are designated "Civic and Institutional" on the approved Rolston Neighbourhood Plan. The proposal does not conflict with the intent of the Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   - the proposed two (2) storey addition is compatible and complementary to the existing development in this area;

   - the proposed modification in zoning (i.e. yard setbacks) will facilitate a logical connection to the existing facilities located within the west end of the building (i.e. dinning and sleeping accommodations); and;

   - the proposed expansion will front onto Mohawk Road West which is a major arterial road.

4. The Building Department has reviewed a preliminary site plan (see Appendix "C") and has advised the development will require the following variances as special requirements:

   Yards

   The following yards have been proposed for the proposed two (2) storey building:

   - a front yard of a depth of 18.80 m (61.10 ft.) along the northerly boundary (i.e. Mohawk Road West) whereas 21.0 m (70.0 ft.) is required;

   - a side yard depth of 4.5 m (15.0 ft.) along the westerly boundary whereas 9.1 m (30.0 ft.) is required.

   Notwithstanding the site specific by-law (By-law 67-97) and the defined building envelope, the above-mentioned yard setbacks are greater than the front and side yards required for single family dwellings proposed within a "C" District.

   In support of the above-mentioned requirements, the applicant has agreed to the following special provisions:-

   - The westerly side yard shall be exclusively a "planting strip". Thus by definition, it would prohibit any hard surfaces within the westerly side yard (i.e. walkways, patio areas, etc). Furthermore, the applicant has indicated that they will maintain the existing tree line along the westerly lot line and provide additional landscaping and visual screening to increase privacy along that lot line.

Parking

The applicant proposes one (1) parking space within the required front yard along Mohawk Road West whereas none are permitted; and, further to their comments of December 11, 1998 the Building Department has advised the existing parking area within the required front yard along Lynbrook Drive is not recognized under By-law 67-97 the current zoning by-law.

The above-mentioned parking space and area can be supported since they are not located immediately adjacent to any residential use and are located at least 6.0 m minimum from either front lot line (i.e. the minimum required front yard setback for the adjacent residential district).

Accessory Structures

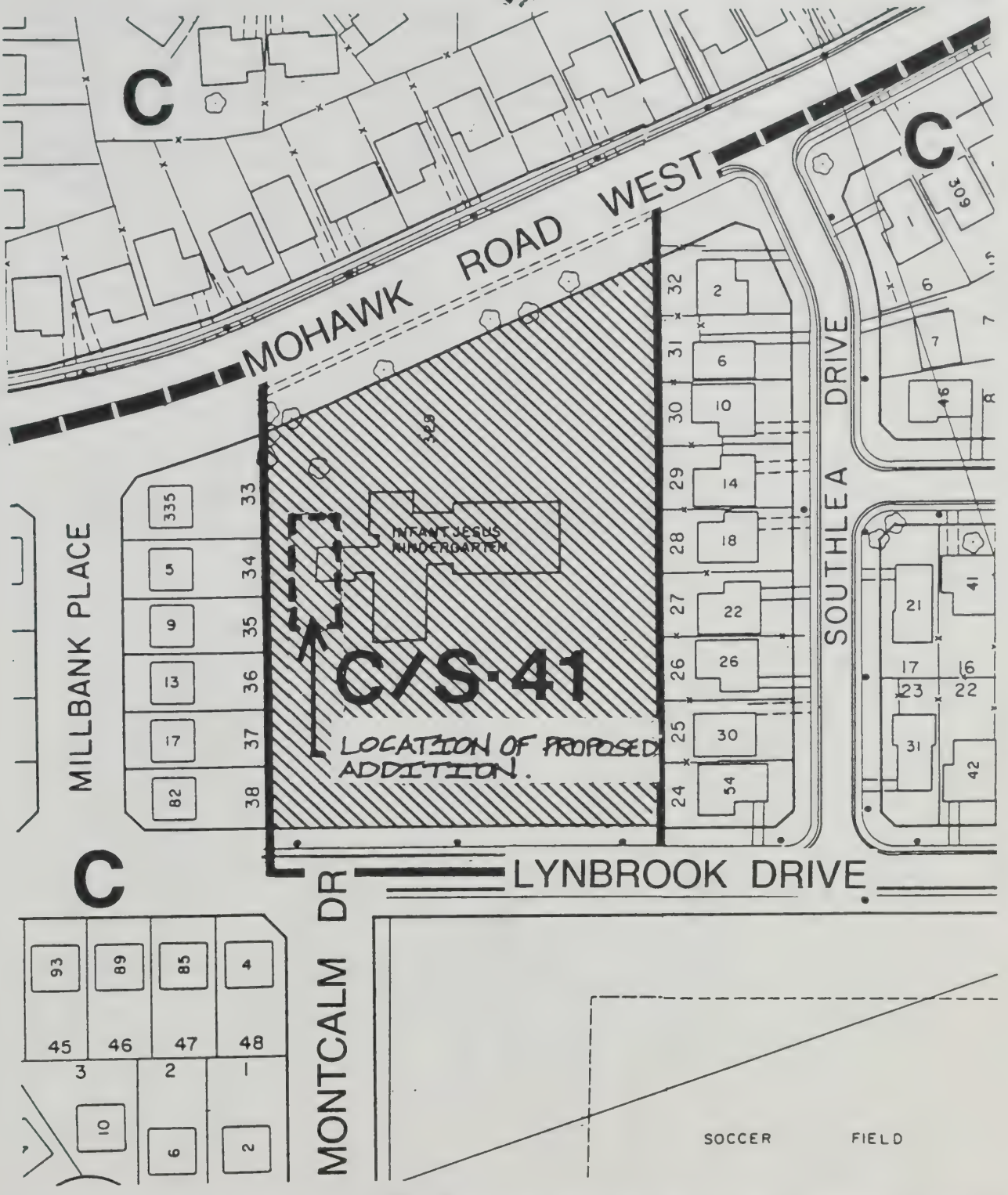
Since the lot is a "through lot", technically there is no rear yard. Therefore, the existing shed structure (i.e. enclosed sand box) is located within a required front yard which is not permitted. However, notwithstanding the technical wording of the By-law regarding "through lots" the yard along Lynbrook Drive functions as a "rear yard" and the shed is more than 7.5 m from the rear lot line (i.e. the minimum required rear yard setback for the adjacent residential district), thus can be supported.

5. The subject lands are not subject to Site Plan Control By-law 79-275, as amended by By-law No. 87-233. Thus, it would be prudent to place the lands under Site Plan Control so that any concerns regarding the grading, fencing, existing and proposed landscaping and parking associated with the proposed two (2) storey addition can further reviewed.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/jl
ZAC9736



Legend

Further modification to the "C" (Urban Protected Residential, etc.) District.

City of Hamilton

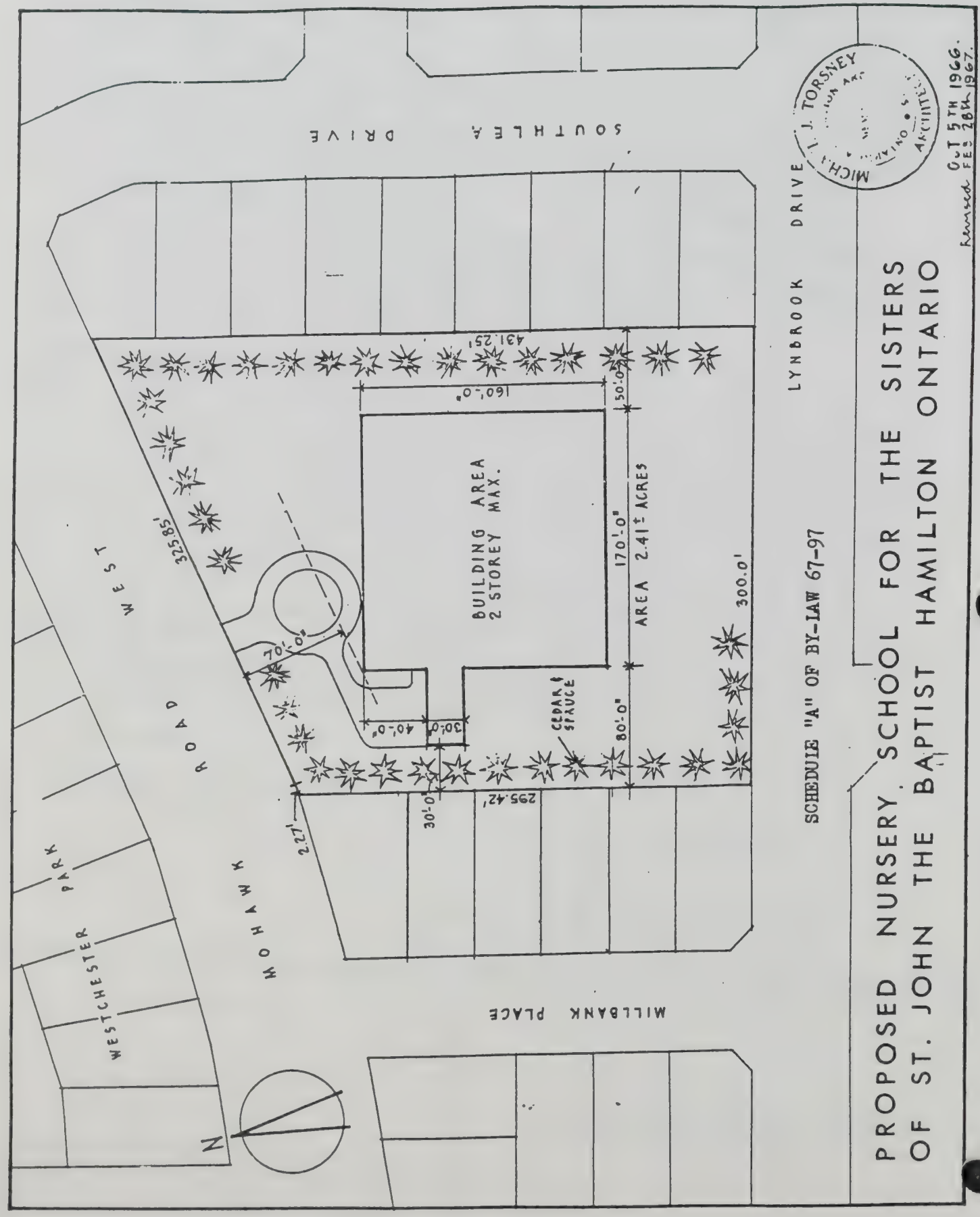
Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-36
	Date	Drawn By
	NOVEMBER, 1997	F.A.

APPENDIX A

SCHEDULE "A"



(S-41) (b)

APPENDIX B

PLAN OF TOPOGRAPHY OF
LOT 4,
REGISTRAR'S COMPILED PLAN
No. 1468
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH
SCALE 1:200

INFORMATION TAKEN FROM PLAN BY
J. P. WOOLLEY SURVEYING LTD
1997

MOHAWK ROAD WEST

REGISTERED PLAN No. 1231

LOT 33 LOT 34 LOT 35 LOT 36 LOT 37 LOT 38 LOT 39 LOT 30 LOT 29 LOT 28 LOT 27 LOT 26 LOT 25 LOT 24

SITE BENCH MARK
TOP OF CAP
ELEVATION = 206.75

BUILDING AREA ENVELOPE LINE

6.0M x 6.0M

EXISTING TURN AROUND

PROPOSED ADDITION

PARCEL IDENTIFICATION NUMBER
16966-0039 (LT)

EXIST.

APPENDIX C

3.

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 9 1998

DATE: 1998 April 28
ZAC-98-10
Ainslie Wood North Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - 1516 Main Street West.

RECOMMENDATION:

(a) That Zoning Application ZAC-98-10, Wentworth Construction Planning, applicant, for a change in zoning from "H" (Community Shopping and Commercial, etc) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block 2) to "DE" (Low Density Multiple Dwellings) District for lands located at 1516 Main Street West, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

1) the proposal is considered to be an over-intensification of the subject lands in that adequate buffering, landscaped area, parking and manouvering areas cannot be provided.

V. J. Abraham

J. J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

keeping with the scale and character of the abutting residential area in terms of lot coverage, setbacks and landscaped areas (Policies A.2.1.14 and C.7.3 iii)). However, if the proposed development is approved, then an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Utilities" in the Ainslie Wood North Neighbourhood Plan. The proposed 4-unit apartment building would require the redesignation of the subject lands from "Utilities" to "Low Density Apartments".

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "We have no objection to the proposed change in zoning to permit two, two-family dwellings subject to the proposed development being placed under site plan control.

  With reference to the submitted preliminary plan, we have the following comments.

  We recommend that the parking adjacent to Main Street be setback a minimum of 6.0 m from the street line to avoid potential vehicular conflicts within the entrance that may affect the operation of Main Street West. The parking layout as submitted is unacceptable.

  The existing driveway along the east side of the building is substandard in width for two-way operation. With the extension of the building to the north and the length of the driveway, vehicles entering the rear parking area that encounter a vehicle exiting the parking area will be required to back up onto Main Street West which is unacceptable.

  As an alternative to the submitted design we recommend that the building be relocated to the rear and east side of the lot. This would permit access to Norfolk Street via the alley to the west of the subject property and facilitate the restriction of the driveway on the east side of the existing building to one-way northbound, eliminating the potential conflicts within the driveway."

- The Building Department has advised:

  "1. Based on the plans submitted, the proposed use is considered to be a multiple dwelling containing a total of four (4) units.

2. Upon review of the plans submitted, the following comments are submitted:

a)	minimum front yard required	6.0m
	minimum side yard required	3.0m
	minimum rear yard required	7.5m
b)	minimum required lot width	21.0 m
	minimum required lot area	720.0 m^2

c) a minimum landscaped area of 25% of the lot area must be provided. The plan submitted does not provide the lot area to determine compliance.

d) A minimum of five (5) parking spaces are required to be provided.

e) Each parking space shall be not less than 2.7m wide and 6.0m in length. The length and width of the parking spaces has not been indicated.

f) No required parking is permitted in the required front yard.

g) The required parking spaces should be located in the rear having an access driveway of at least 2.8 m in width and must provide a 1.5m landscaped area and a visual barrier not less than 1.2m and greater than 2.0m in height along the boundary abutting the residential district to the north and west.

h) The westerly side yard, lot width and lot area are deficient."

- The Regional Environment Department, has advised that:

"There are public watermains available to service the subject lands. There is an existing 300mm diameter combined storm and sanitary sewer on Main Street West which currently terminates just west of the subject lands (see Appendix "C").

Therefore as a condition of development approval, in order to service the subject lands to the Regional sewer, the owner would be required to enter into a Special Sewer Agreement with the Region, to the satisfaction of the Commissioner, Regional Environment Department. Servicing this property to the existing sewer will require approval from Regional Council.

The Regional Transportation Department, Roads Division, have the following comments.

1. As was previously noted in our comments to CP Rail Properties Group in a letter dated September 2, 1993, the Region has identified a possible 5.18 m road widening on the northside of Main Street, west of Cootes Drive. This future road

widening is shown as Part 4 on Reference Plan 62R-12754. It was agreed not to acquire the road widening at that time provided that no buildings or required parking for the proposed land uses were located within the future 5.18m road widening.

We also required that CP Rail register a covenant on title indicating that any building or required parking for the building would not be located on the road widening lands. These comments were also provided to the Committee of Adjustment on Application No. A-96:90 and it was recommended at that time that the applicant/owner revise the proposed front yard parking layout and ensure that parking spaces are not located on Part 4 of Reference Plan 62R-12754.

The site plan submitted with this application indicates that two parking spaces are located within the future widening limits and we recommend that the site plans be revised and that all required parking for the proposed development be located outside of lands shown as Part 4 on Reference Plan 62R-12754.

We also recommend that sufficient access and manoeuvring space be provided on site to ensure that vehicles are not required to cross the Main Street road allowance limits in a reverse manner.

2. Any fences should be recessed a minimum of 5.18m from the existing road allowance limits of Main Street West.

3. We require 5m by 5m (minimum 3m by 3m) visibility triangles between the access and the Main Street road allowance limits in which the maximum height of any objects or mature vegetation cannot exceed a height of 0.60m above the centreline elevation of Main Street West.

4. The applicant should be advised that according to our records the alley adjacent to the subject lands to Norfolk Street is public unassumed. Therefore the City of Hamilton cannot guarantee access to these lands from the alley.

5. Any other works which may occur within the Main Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Regional Environment Department, Planning Division advised that:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

COMMENTS:

1) The proposal conflicts with the intent of the Official Plan. However, if approved the application would not require an Official Plan Amendment.

2) The Building Department has advised that the following variances to the "DE-3" District are required to permit the proposed development:

Item	Zoning By-law No. 6593 Requirements	Proposed
Minimum Required Lot Width	21.0 m	13.74 m
Minimum Required Lot Area	720.0 m^2	697.0 m^2 (625.0 m^2 excluding road widening)
Minimum Required Side Yard	3.0 m	3.0 m (easterly side yard) 1.2 m (westerly side yard)
Minimum Required Landscaped Area	25% of Lot Area (180 m^2)	17% of Lot Area (118 m^2)
Minimum Required Parking	5 parking spaces. Required parking not permitted in the front yard.	5 parking spaces provided. 3 of the parking spaces are proposed to be in the front yard. 2 of these spaces are located within the required 5.18 m road widening which is contrary to the Regional requirements.
Parking Area Requirements	1.5 m setback from adjoining residential district. Landscaped planting strip of 1.5 m to be provided.	0.0 m from adjoining residential district. No landscaped planting strip provided.
Access Driveway	Must be setback a minimum of 3.0 m from the abutting "C" District.	0.0 m. Northerly limits of access driveway abuts "C" District.

Based on the proposed development details, the proposed development cannot be supported for the following reasons:

Parking and Manouvering

The proposed development provides for 3 of the required 5 parking spaces to be located in the front yard directly adjacent to Main Street West. This arrangement is unacceptable to the Traffic Division and conflicts with the "DE-3" District provision which prohibit front yard parking.

The Roads Division have advised that a 5.18 m road widening is required and that all required parking for the proposed development be located outside of the required road widening. Two of the proposed front yard parking spaces are located within the required road widening. In addition, the Roads Division have advised that sufficient access and on-site manoeuvring space be provided to ensure that vehicles are not required to cross the Main Street road allowance limits in a reverse manner.

Given the location of the existing building, it is not possible to provide all of the required parking in the rear yard while maintaining an adequate buffer for the adjacent residential uses. As such, the proposed change in zoning does not provide adequate off-street parking and manoeuvring.

Landscaping

Based on the plans submitted, the proposed development will provide a total landscaped area of approximately 17% whereas the provisions of the "DE-3" District require a minimum landscaped area of 25%. In addition, the manoeuvring area for the 2 parking spaces located at the rear of the proposed addition does not provide the required 1.5 m landscaped area. As such, the proposal is not considered to be in keeping with the scale and character of the abutting residential area in terms of lot coverage, setbacks and landscaped areas.

Lot Size

The subject property does not comply with the minimum required lot width (13.74 m provided vs the required 21 m) and lot area (697 m^2 provided vs the required 720.0 m^2). The required 5.18 m wide road widening would further reduce the lot area to 625 m^2. Given the location of the existing two-family dwelling and the substandard lot width and area, the adequate provision of on-site parking, manoeuvring and landscaped areas cannot be provided.

On the basis of the foregoing, the proposal is considered to be an over-intensification of lands use and would not be compatible with the character of the adjoining residential area.

3) The Traffic Division have advised that on-site parking and manoeuvring could be improved by revising the proposal to construct a separate two family dwelling on the subject lands. This would require reduced side and year yard setbacks for the second building and would still require front yard parking.

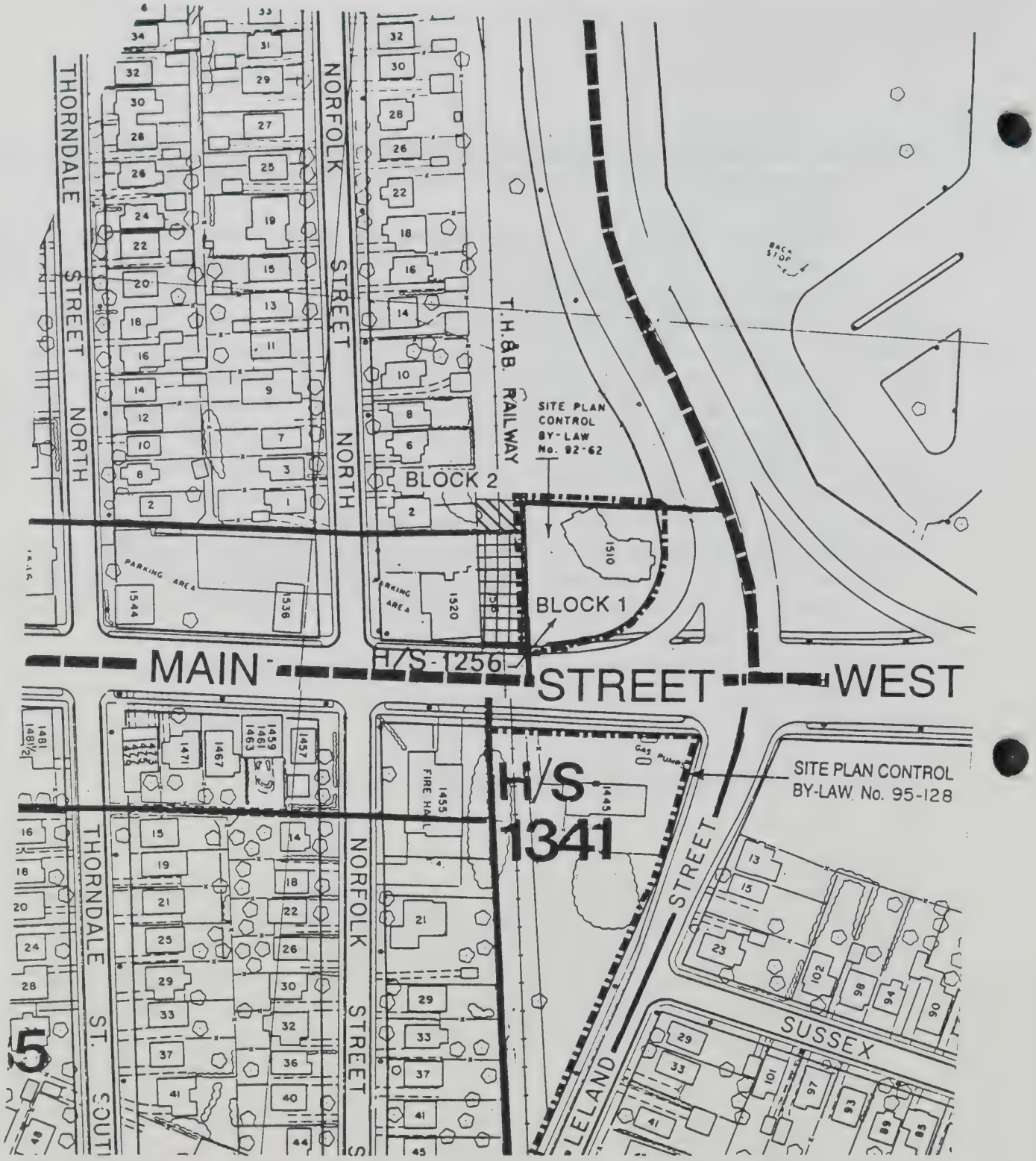
In addition, this option would permit access to Norfolk Street via the alley to the west of the subject property and facilitate the restriction of the driveway on the east side of the existing building to one-way northbound, eliminating the potential conflicts within the driveway. The alley is public unassumed and as such access to the alley from the subject lands cannot be guaranteed.

Use of the alley for ingress/egress would introduce traffic into the existing low density residential area. This is contrary to the general intent of the Official Plan and Zoning By-law which is to restrict higher traffic generating uses to the periphery of a neighbourhood and away from low density residential areas.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

/sr
ZA-98-10.RPT



Legend

BLOCK 1 From "H" (Community Shopping and Commercial, etc.) District To "DE"(Low Density Multiple Dwellings) District, Modified.

BLOCK 2 From "C (Urban Protected Residential, etc.) District, To "DE"(Low Density Multiple Dwellings) District, Modified.

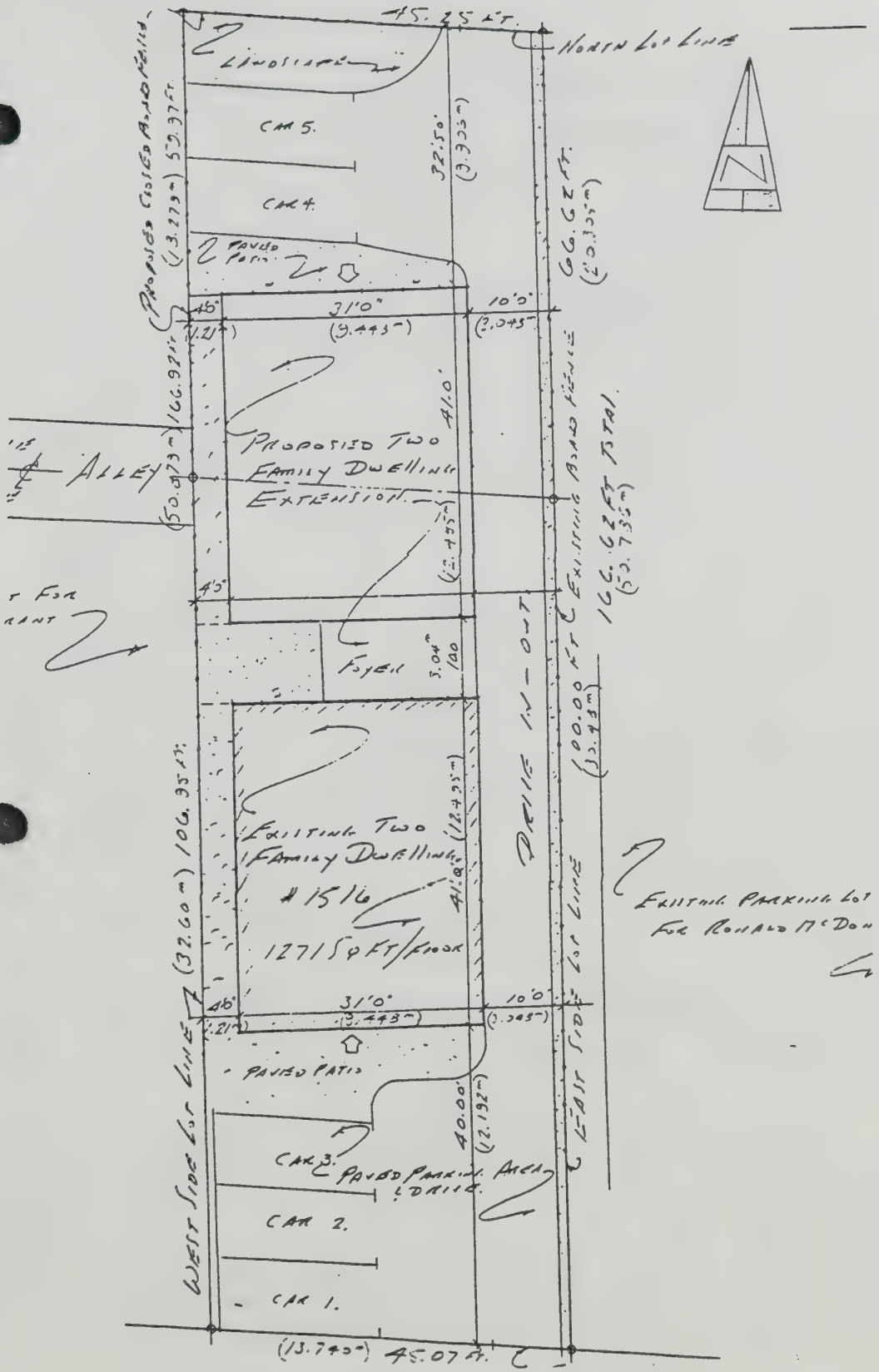
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-10
	Date	Drawn By
	March 1998	R. L.

APPENDIX "A"


45.25 FT.
NORTH LOT LINE
LINOLEUM
CAR 5.
CAR 4.
PAVED PATIO
PROPOSED CLOSED BOARD FENCE
(13.173m) 53.37FT.
32.50'
(9.933m)
10'0"
(3.045m)
31'0"
(9.443m)
4'6"
(1.21m)
41.0'
PROPOSED TWO FAMILY DWELLING EXTENSION
ALLEY
(50.073m) 166.92FT.
(12.495m)
4'5"
FOYER
3.04m²
(32.60m) 106.95FT.
EXISTING TWO FAMILY DWELLING
#1516
1271 SQ FT/FLOOR
41.0'
(12.495m)
DRIVE IN - OUT
(100.00 FT. EXISTING BOARD FENCE
(30.48m)
10'0"
(3.045m)
31'0"
(9.443m)
4'6"
(1.21m)
PAVED PATIO
40.00'
(12.192m)
CAR 3.
PAVED PARKING AREA
CAR 2.
CAR 1.
WEST SIDE LOT LINE
EAST SIDE LOT LINE
(13.740m) 45.07 FT.
EXISTING PARKING LOT FOR RONALD McDON

APPENDIX "B"

SUBJECT LANDS
LIMIT OF SEWER
MAIN STREET
HEATH ST.
THORNDALE
NORFOLK
B. & H. RY.
COOTES
SHEET
SHEET
PLANNEL-62
HELAND
STREET
PLANNEN-50
PLANNEN-25
PLANNEN-203
PLANNEN-30
PLANNEN-22
PLANNEN-21
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15'-0.5%
18'-0.5%
18'-10.5%

APPENDIX "C"

4.

ALDERMEN'S OFFICE APR 3 1998

MEMORANDUM

****

TO: Alderman F. D'Amico, Chairman
Planning & Development Committee
Aldermens' Offices

YOUR FILE:

FROM: Alderman M. Caplan, Chairman
Business Improvement Area (B.I.A.) and
Business Association Co-ordinating
Committee

OUR FILE: 6049
PHONE: 2416

SUBJECT: Request for Delegation to
Present Information on the Objectives,
Goals, Actions and Accomplishments of
Hamilton's Seven B.I.A.'s.

DATE: 1998 April 02

On behalf of and as Chairman of the Business Improvement Area (B.I.A.) and Business Association Co-ordinating Committee, I would like to request that a delegation representing Hamilton's B.I.A.'s be included on a future agenda of the Planning and Development Committee to update the Committee members on the B.I.A.'s goals, objectives, actions and accomplishments. The request is a result of discussions we have had at the B.I.A. Co-ordinating Committee with respect to creating awareness of the significance of B.I.A.'s. The presentation can be geared to the time available on the agenda and can include a slide presentation if desired.

Once your approval has been received for the presentation I will contact you with a specific date. Thank you for your consideration of this request.

Alderman M. Caplan, Chairman
Business Improvement Area (B.I.A.) and
Business Association Co-ordinating Committee

AMC:HM:hm

c.c. Tina Agnello, Legislative Assistant
Planning & Development Committee

5a)

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO:	V.J. Abraham, M.C.I.P. Director, Regional Planning Division Planning and Development Department	YOUR FILE:	
FROM:	Tina Agnello Secretary, Planning and Development Committee City Clerk's Department	OUR FILE: PHONE:	546-2727
SUBJECT:	ZA-97-33, 852 Upper Wentworth Street	DATE:	1998 April 27

The Planning and Development Committee at its meeting of 1998 April 22 moved to table the abovenoted matter to the next regularly scheduled meeting on 1998 May 6, in order to allow Alderman Kelly to meet with the Applicants and proponents

TT.

cc. Alderman Kelly

Tabled: P+D letter 1998 Apr 22.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 15 APR 1 6 1998
ZAR-97-33
Bruleville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and further modification in zoning - 852 Upper Wentworth Street

RECOMMENDATION:

(a) That Official Plan Amendment Application by Nicola and Rosalba Clarizio, owners, to establish a new Special Policy Area to permit commercial uses notwithstanding the "Residential" designation, on lands known municipally as 852 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be DENIED; and,

(b) That Zoning Application ZAR-97-33, Nicola and Rosalba Clarizio, owners, for a further modification to the "C" (Urban Protected Residential, etc.) District to permit general office space and a showroom on the second floor of the existing building, for lands located at 852 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) it conflicts with the Official Plan policy for Special Policy Area 68 which was intended to recognize a mixed commercial/residential use on the property. The proposal has the effect of using the lands for only commercial uses with no residential component;

ii) it conflicts with the approved Bruleville Neighbourhood Plan which permits up to 1000 square feet (92.9 m^2) of professional offices or commercial uses within the existing building, thereby supporting mixed commercial/residential development. The proposal has the effect of using the lands for only commercial uses with no

residential component ; and,

iii) approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Official Plan and Neighbourhood Plan and erode the residential character along this section of the west side of Upper Wentworth Street.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A/

BACKGROUND:

- Proposal

The applicant proposes to use the entire two storey building for commercial (office and showroom) purposes with no residential component.

- Official Plan Amendment No. 129, By-law Nos. 95-11 and 97-153, and DA-95-24

The Commissioner of Regional Planning and Development approved, on December 5, 1995, Official Plan Amendment No. 129 which established Special Policy Area 68 for the subject lands. This amendment permits, in addition to residential uses, general offices and home improvement uses with the intent of a mixed residential/commercial property.

City Council, on May 9, 1995, passed By-law No. 95-111 which rezoned the subject lands from "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified, to: permit general offices and a kitchen cabinet showroom on the first and second floor with a maximum total gross floor area of 95 m^2 (1022.6 square feet); one dwelling unit on the second floor; an unlighted sign of not more than .2 m^2 (2 square feet); provision of a landscape planting strip and visual barrier along the westerly lot line; and, elimination of a setback for an access drive adjacent to a residential district.

The 'H' holding provision was imposed subject to the applicant applying for and receiving approval for a Site Plan Control Application. On July 26, 1996 Site Plan Application DA-95-24 was approved. Subsequently, By-law 97-153, passed by City Council on July 8, 1997 removed the 'H' holding provision on the subject land.

- 860 Upper Wentworth Street

City Council, on December 8, 1992, passed By-law No. 92-305, which rezoned the lands

from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified. That by-law permitted a dental office only on the first floor of the existing building with a maximum gross floor area of not more than 95 m^2 and 1 dwelling unit on the second floor. A holding provision, which was subsequently removed by By-law No. 93-088, required that the applicant/owner apply for and receive approval of a Site Plan Control application.

Committee of Adjustment, on December 15, 1993, denied an application (A-93-233) for a minor variance on these lands to permit the expansion of the dentist office from 95 m to 116 m^2, on the basis that it was an over intensification of the commercial use and was not minor in nature. The owner made a subsequent application to the Committee of Adjustment (A-95-237) to increase the gross floor area of the dentist office to 116.12 m^2. This application was also denied by the Committee of Adjustment on December 13, 1995.

APPLICANT:

Nicola and Rosalba Clarizio, owners.

LOT SIZE AND AREA:

The subject lands have:

- a lot frontage of 15.22 m (49.9 feet);
- a lot depth of 35.96 m (117.9 feet); and,
- a lot area of 547.31 m^2 (5891.4 square feet).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Offices, show room (first floor) Residential (second floor)	"C" (Urban Protected Residential, etc.) District, modified
Surrounding Uses		
to the north	Single Family Dwelling	"AA" (Agricultural) District
to the east	Commercial	"HH" (Restricted Community

		Commercial and Shopping, etc.) District, modified
to the south	Dentist office and residential	"C" (Urban Protected Residential, etc.) District, modified
to the west	Single Family Dwelling	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan and located within Special Policy Area 68. The following policies, amongst others, apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.9.3.63 In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 68, and located at 852 Upper Wentworth Street, general offices and home improvement uses will be permitted."

Policy A.2.9.3.63 (Official Plan Amendment No. 129) was established to permit the non-local commercial uses within a "Residential" designation. The subject proposal to permit general office uses on the second floor will eliminate the residential component of the building, thereby making the use strictly commercial and not mixed commercial/residential use as contemplated in the Official Plan. On this basis, the proposal does not comply with the Official Plan and, if approved an Official Plan amendment would be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial/Residential Conversion" in the approved Bruleville Neighbourhood Plan. The intent of the designation is maintain the residential component while permitting up to 1000 square feet (92.9 m^2) of professional offices or commercial uses within the existing building. By-law No. 95-111 permits general offices and showroom on the first and second floor to a maximum gross floor area of 1022.6 square feet (95 m^2). The subject proposal to convert the entire second floor to office space would increase the commercial space to 3100 square feet (288 m^2) with no residential component. The proposal conflicts the Neighbourhood Plan and, if approved, an amendment to the Neighbourhood Plan would be required.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Public Works and Traffic Department advise they have no comment or objection.

- The Regional Environment Department, Development Engineering Division has advised that:

  "there are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The designated road allowance widenings on Upper Wentworth Street have previously been acquired by the Region.

  We understand that this application is to allow an Office Use in the second storey of this development. Any site changes relating to fencing, access, etc. must be submitted to our office for review and approval.

  Any works within the Upper Wentworth Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Building Department has advised that:

  "1. The proposal to use the entire 287.99m^2 (3100 $ft.^2$) building for commercial purposes, is not permitted."

COMMENTS:

1. The application for an Official Plan Amendment and further modification in zoning cannot be supported for the following reasons:

   i) it conflicts with the Official Plan policy for Special Policy Area 68 which was intended to recognize a mixed commercial/residential use on the property. The proposal has the effect of using the lands for only commercial uses with no residential component;

   ii) it conflicts with the approved Bruleville Neighbourhood Plan which permits up to 1000 square feet (92.9 m^2) of professional offices or commercial uses within the existing building, thereby supporting mixed commercial/residential development. The proposal has the effect of using the lands for only commercial uses with no residential component ; and,

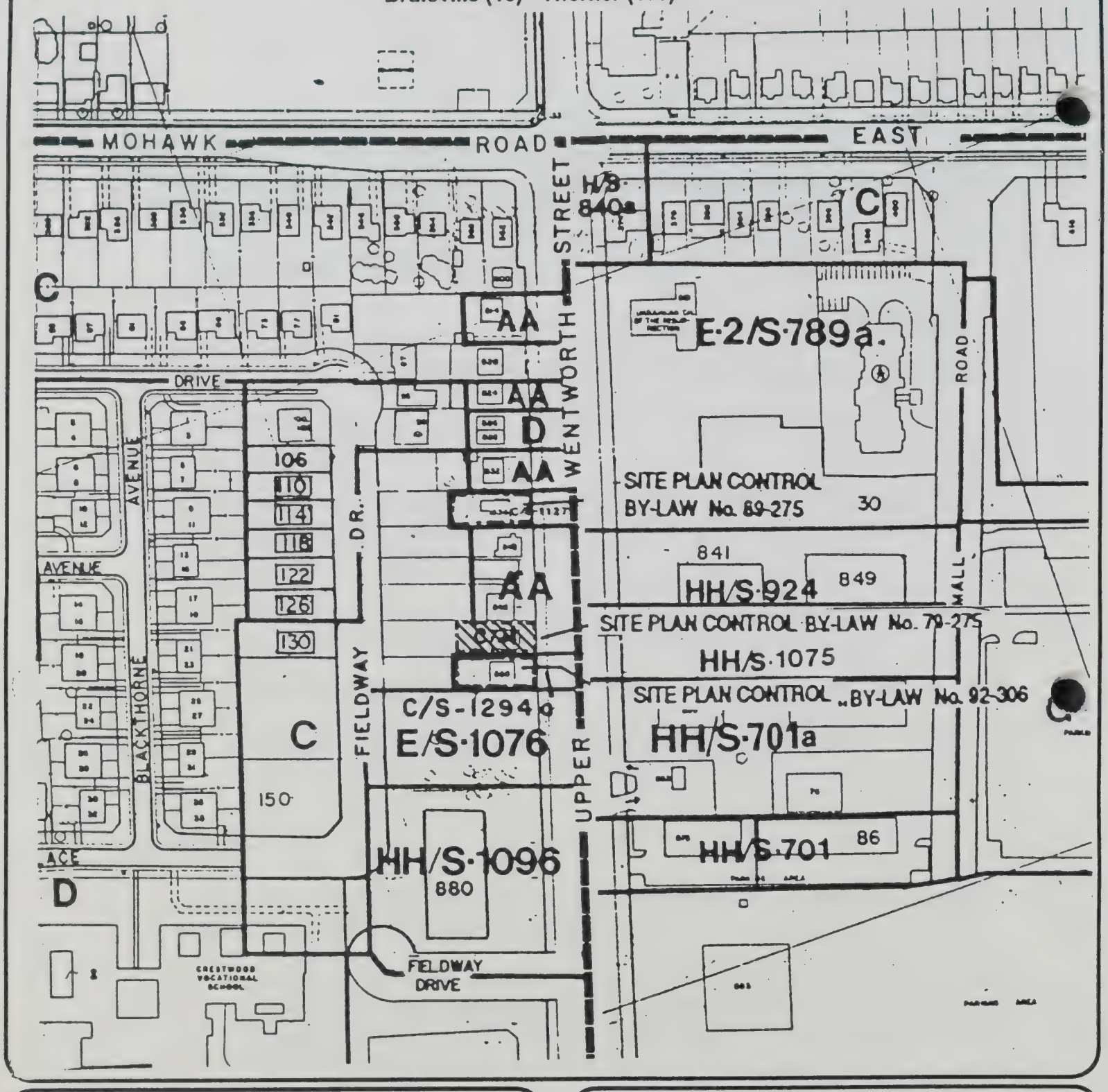
iii) approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Official Plan and the approved Neighbourhood Plan, and erode the residential character along this section of the west side of Upper Wentworth Street.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

ZAR-97-33/
CLF

Bruleville (16) - Thorner (130)



Legend

BLOCK 1 — Further modification to the "C" (Urban Protected Residential, etc.) District

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-97-33
	Date	Drawn By
	OCTOBER, 1997	B. B.

5b)

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO: Charlene Touzel
Secretary, LACAC
City Clerk's Department

YOUR FILE:

FROM: Tina Agnello
Secretary, Planning and Development Committee

Date: 1998 April 27

SUBJECT: St. Mark's Centre

The Planning and Development Committee at its meeting of 1998 April 22 Tabled the abovenoted matter in order that staff provide the Committee about the details of payment for the repairs to the building.

cc. V. Abraham, Director of Planning and Development

Tabled - 1998 Apr 22 P+D Cttee

CITY OF HAMILTON

- RECOMMENDATION -

APR 1 5 1998

DATE: 1998 April 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: St. Mark's Centre - Repairs to Roof and Re-examination of Potential Uses

RECOMMENDATION:

a) That the City, as owner of the St. Mark's Centre (formerly St. Mark's Anglican Church) located at the corner of Bay and Hunter Streets, Hamilton, take the necessary action to repair the roof and interior features damaged when part of the mechanical penthouse roofing from the adjacent apartment building came loose and crashed through the roof during a severe wind storm on 1998 March 28; and,

b) That the City re-examine potential uses for the St. Mark's Centre including, but not limited to, ancillary municipal functions such as office and/or meeting space, performance and/or meeting space for cultural and/or community groups, etc., with the intent of putting the building back in use.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Remedial clean up and repairs to the building have been carried out by the Building Operations and Maintenance Division, Culture and Recreation Department, at an estimated cost of $5,000. These expenditures have been financed through the Department's Maintenance Operating Budget.

A preliminary report of a Structural Engineering Consultant, based on a Construction Contractor's estimates, show that an additional $35,000 (approximate) would be required to repair the roof and interior damage to this building. This expenditure would however, qualify under the City's insurance and would be funded through the Reserve for Insured Losses, an existing account created for such purposes.

As approved by City Council on 1994 September 27, a Restoration Architect and a team of Consultants examined the condition of the building and provided immediate, short term and long term cost estimates for the building's maintenance and restoration. It is however, difficult to identify the costs involved in the building's restoration without first identifying a specific use for the building.

BACKGROUND:

On 1998 March 28, as a result of a severe wind storm, a 1,000 lb. piece of mechanical penthouse roofing from the adjacent apartment building, came loose and crashed through the roof of the St. Mark's Centre.

This 1877 building was designated as a historically and architecturally significant building under the Ontario Heritage Act by City Council in 1994 December. As indicated in the Reasons for Designation, the designated features include the original features of the east, north and south facades; the original window openings and doors; the Sunday School addition; the bell tower; and, the entrance porch. Also important to the site is the retention of the open green space which provides the church with a unique setting among the City's downtown churches.

The building was purchased by the City in 1994 for public use and open space through the Reserve for Park Lands (5% Land Dedication) Account and provides the high-density Durand Neighbourhood with much needed open space.

The property consists of a front garden forecourt and a 5,000 square foot building containing an auditorium space that would accommodate approximately 250-300 people as well as a sizable lobby/meeting space in the parish hall. Several interested potential tenants have approached the City to propose a cost sharing approach to open the building to public use.

A number of upgrades including the addition of washrooms and barrier free access would be necessary before the vacant building could be used.

With the relocation of a number of City and Regional Departments, the building, which is across the street from City Hall, could be considered as a possible municipal office and/or meeting space with access to the City Hall Carpark. With the relocation of a number of Regional offices to City Hall in the coming months and the decentralization of other municipal offices, additional office and/or meeting space could be accommodated in this building.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Ross Fair, Director, Culture and Recreation Department
Rob Swan, Manager, Building Operations and Maintenance Division
Rose Salayko, Co-Ordinator of Claims and Administrative Services, Department of Public Works and Traffic

6.

CITY OF HAMILTON

- INFORMATION -

DATE: 1998 April 24 APR 2 8 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: 25 Stapleton Avenue (98.2.4.2.1.A)

BACKGROUND:

In 1982, a Building Permit was issued to Mr. Kule Ristic, the owner of 25 Stapleton Avenue to construct a 22' x 24' accessory building (garage) in his rear yard. On or about 1996 July 15, the Building Department was in receipt of a complaint that the owner of 25 Stapleton Avenue was operating an illegal car repair business out of this garage, and also that the exterior of the property was very messy with garbage and debris. An inspection was subsequently completed. There was no evidence of an operating business found at that time, however, there was some garbage and debris outside the property. After an Order to Comply was issued regarding the garbage and debris, the owner cleaned the property up.

In 1996 September, another complaint was received from the same source that car repairs were taking place during evenings, weekends, and at other times. It was alleged that various vehicles were being worked on and, therefore, a business must be operating illegally in a residential zone. In response to this complaint, the Building Department arranged to have a whole series of inspections completed at the property. These inspections took place mornings, afternoons, and evenings during daytime and on weekends. A total in excess of ten separate inspections were completed and at no time was any evidence of an operating business found.

Mr. Ristic, the owner of the property, was co-operative during the various inspections, although he did complain of the constant interruptions to his privacy. Mr. Ristic informed the Building Inspector that he did, on occasion, do work on his own vehicles. He admitted he also allowed his friends and neighbours to do minor work on their own vehicles as well. At no time did any money change hands and all persons involved were neighbours and friends. On that basis, and in accordance with Department policy, no contravention of the Zoning By-Law was found. Due to the lack of evidence of an operating business no violation was found and the file was closed at that time.

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On 1996 November 9, the Building Department received a letter from Mr. Ristic in which he protested what he considered to be harassment. He claimed that both the Building Department and his neighbour were harassing him by way of the constant monitoring and inspections of his property, which took place over the previous months. Mr. Ristic was advised by the Building Department that the inspections had been discontinued due to the lack of evidence. He was also made aware that it was never the intent of the Building Department to harass him, but merely to respond to complaints as required. Mr. Ristic was also reminded at that time that the Zoning By-Law did not allow him to operate a business in a residential zone but the Department's findings to that date indicated he was not in violation. Mr. Ristic was advised, however, that if the Building Department received more specific information which could possibly prove that he was operating a business, that additional inspections may be necessary and they would be ordered.

On 1997 August 18, the Building Department received a new complaint from the same source and an inspector was dispatched to the property. The inspector spoke with Mr. Ristic, who was in his garage, helping a friend with a small technical problem on the friend's car. No money was changing hands and the friend confirmed same. Three inspections were done over this period and then, again, due to lack of evidence of any violation, the file was once again closed.

In 1997 October, a complaint was received from the same source about some garbage and debris at the same property. An inspection was completed and the garbage was cleaned up within the specified required time period. No evidence of an illegal car repair business was found at that time.

This matter arose again on 1998 January 13 when the Building Department received a letter from a member of the local media who stated he was acting on behalf of the complainant (same one and only complainant) regarding the subject property. This letter demanded a full report of the Department's activities concerning the property and included a request for files and documents from the subject property's file. As this information is protected under the Freedom of Information Act, the letter writer was subsequently advised in writing that it would be necessary to file a request to the Freedom of Information Officer to obtain any information from the file. The writer was told however that despite numerous inspections and responses to the complainant's requests, that no evidence was ever found that a repair garage business was operating at the subject address and therefore there was no violation of the City of Hamilton Zoning By-Law. The Building Department also advised that in meetings held with the complainant and his lawyer and also with members of the Department and members of the Law Department and some members of Council, the complainant was asked to gather and provide specific proof that he claimed he had, however none was ever provided, nor has any proof ever been provided to date.

Letters were also sent by the same member of the media to the Chief Administrative Officer, the Fire Prevention Bureau and the City Clerk's Licensing Division which each described a similar scenario of an illegal repair garage operating at 25 Stapleton Avenue. Various members of Council also were contacted by this member of the media. This person continued to state that there was a violation of the City's by-laws and that no action was being taken.

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It is important to note, that no complaints have ever been filed against this property by anyone other than the original complainant. It is estimated that the Building Department has completed in excess of twenty-five inspections of the subject property and at no time were any violations of the Zoning By-Law ever found nor was there ever any evidence found which could be used to prove any violations under the Zoning By-Law.

On 1998 February 3, at Mr. Ristic's insistence, a meeting was held at City Hall. Mr. Ristic was visibly agitated initially and stated that he felt that his neighbour was using various officials to harass him and he then proceeded to provide as proof, business cards of various persons from different departments and agencies that had been down to visit him over the previous weeks and months. Among them were the Building Department, the Fire Prevention Bureau, the City Clerk's Licensing Division, and the Hamilton Wentworth Regional Police Department. All these agencies had, on several occasions, visited the property. Mr. Ristic stated that the very morning of this meeting, he had been visited by someone from the Regional Assessment Department because they had been advised that he was running a commercial enterprise and therefore his assessment should be adjusted accordingly. All of the departments and agencies named, including the Building Department, had found no evidence of violations of the various pieces of legislation they enforce at his property. This has since been confirmed by the Building Department.

Mr. Ristic was very emphatic that he wanted these visits stopped as he felt they constituted harassment by these various agencies acting on behalf of his neighbour. In response to various related questions asked of Mr. Ristic, it was agreed that Mr. Ristic was not found to be doing anything contrary to current policies. Mr. Ristic was very upfront about his activities in his garage, and he stated that in his neighbourhood, people helped each other and just as he would allow someone to use his garage to make minor repairs to their cars, so the same people had got together to help each other do work around their homes such as new porches and new roof shingles. He could see no problem with this kind of reciprocal action and he felt that it was how a neighbourhood should function. It was certainly obvious, to all present, that in the absence of any evidence to the contrary, that there was no justification for any further intrusions into his life.

Mr. Ristic was advised at this meeting that the Building Department had asked for very specific proof from the complainant at various meetings held and that to date, (1998 February 3), no new information or evidence had been received. As a result of that, no new inspections were contemplated. No complaints have ever come from other than this one complainant.

At this point in the meeting, Mr. Ristic asked how he could stop the complaints from being filed against him. He was advised that he would have to seek private advice on this as the City was not able to help in that respect. He indicated he would be speaking with the Regional Police or a lawyer to bring about a harassment suit against the person whom he believed to be the complainant.

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HISTORICAL BACKGROUND

The Building Department has received numerous complaints from neighbourhoods about owners working on vehicles in their garages or on their properties in residential zones. Most of this activity takes place in the evenings and on weekends. In many cases it takes the form of a hobby where persons have seasonal vehicles which they like to tune up or where they have show cars which they work at as a hobby and then take away to auto shows or events during their spare time. There are also owners who due to economic situations, do minor work on their personal vehicles to defray the costs associated with car dealers or repair garages. Many auto supply outlets are both sell and loan specialized equipment to allow these repair activities to take place.

In many cases, owners are discreet, tidy and considerate of their neighbours, however, just like any other situation, there is the exception to the rule. In these cases, there are rowdy parties, drinking, garbage and car parts left on property and loud noise and exhaust fumes emanating from vehicles at all hours of the day and night. Even though all of these social problems exist, there is no operation of a business taking place at least not one that can be successfully proven in court. The garbage & debris can be handled through backyard by-law requirements and the general condition of the property may be handled via the property standards by-law. The Building Department applies these by-laws as warranted in these cases. Noise, parking and fumes can also be addressed by other departments. The human behaviour issues are matters for the police to handle.

Due to the generality of definitions in the Zoning By-Law and due to court precedent working on motor vehicles by property owners on their own or those of their friends where no money changes hands has always been permitted. The property owner is not considered as carrying on a commercial enterprise by making use of his garage or property for his own purposes.

A strong court precedent for this interpretation dates back to 1978 when an owner of a property consistently worked on racing vehicles in his driveway and his garage. He was creating a nuisance for his neighbours and even went so far as to threaten them for reporting against him. The Building Department proceeded to enforce the Zoning By-Law against this owner stating that car repairs were not permitted in a residential zone. The Department won a conviction at the initial trial and a fine was handed down. The owner subsequently appealed his conviction and fine to the County Court. His appeal was allowed and his conviction was quashed. In addition, the court ordered that the fine he had paid be returned to him and further that the costs of the court actions be paid to him by the City. The Court stated that there was nothing specifically stated in the Zoning By-Law that prohibited an owner from keeping or repairing vehicles on his residentially zoned property. The by-law has not been changed since that case and hence the enforcement reflects that situation. This, therefore, is the reason why the only approach that can be taken currently by the Building Department to address these actions is an indirect one, that to be able to prove that money changes hands and hence a business is running which the Zoning By-Law does not permit in a residential zone.

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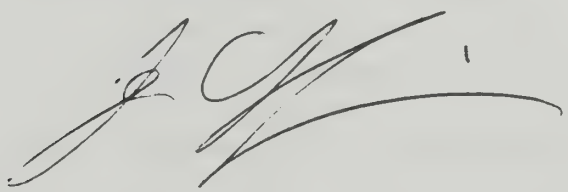
LONG TERM SOLUTIONS

It would seem that in keeping with the court's interpretation, that the only way to successfully stop vehicle repairs taking place in residential zones would be to bring in a specific amendment to the Zoning By-Law. This could go a long way towards insuring the quiet enjoyment by citizens of their residential properties. It should be understood however, that if such an amendment was to be enacted, that all property owners in residential zones would be prohibited from repairing their vehicles. This would no doubt have the effect of penalizing everyone for the actions of a few. It should be noted that such an amendment would not be retroactive and would therefore not apply to any previous situations such as 25 Stapleton Avenue, however it could take care of many problems in the future.

There are more and more of these types of complaints being received by the Building Department. The inspection and monitoring is costly and not often successful due to the constraints of the current law. If the law flatly prevented vehicle repairs taking place in all residential zones, the Building Department would merely have to confirm same and would be able to commence enforcement. Since no proof would be needed concerning any financial involvement, enforcement would be simple and direct.

Perhaps some discussion of this report with a view towards a new approach should take place.

LCK/PCL/DJI



7.

CITY OF HAMILTON

- RECOMMENDATION -

APR 29 1998

DATE: 1998 April 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: City Initiative 98-A Site Plan Control Areas

RECOMMENDATION:

That approval be given to City Initiative 98-A to amend By-law No. 79-275 establishing Site Plan Control, as amended by By-law No. 87-223, on the following basis:

(i) That SCHEDULE "A" to By-law No. 79-275 be amended by adding the "H" (Community Shopping and Commercial, Etc.) District between the "G-4" District and the "HH" District, and adding the "U" (University) District at the end thereof;

(ii) That section 1 of By-law No. 79-275 be amended by adding the following new subsections:

(3) The "AA" (Agricultural) District is hereby designated as a site plan area, and the following classes of development may be undertaken within the District without the approval of plans and drawings otherwise required under subsection 41.(4) of The Planning Act, R.S.O., 1990:

1. All Residential uses, Institutional uses, Commercial uses, Farming uses, Miscellaneous and Incidental uses, Certain Uses Not Restricted, Public uses except for churches and schools.

(4) The "B" (Suburban Agriculture and Residential, etc.) District is hereby designated as a site plan area, and the following classes of development may be undertaken within the District without the approval of plans and drawings otherwise required under subsection 41.(4) of The Planning Act, R.S.O., 1990:

1. All Residential uses, Institutional uses, Commercial uses, farming uses, Miscellaneous and Incidental uses, Certain Uses Not Restricted, Public uses except for churches, schools, colleges and universities.

(5) The "C" (Urban Protected Residential, etc.) District is hereby designated as a site plan area, and the following classes of development may be undertaken within the District without the approval of plans and drawings otherwise required under subsection 41.(4) of The Planning Act, R.S.O., 1990:

1. All Residential uses, Institutional uses, Miscellaneous or Incidental uses, Certain Uses Not Restricted, Public uses except for churches and schools.

(iii) That By-law 87-223 to amend By-law 79-275 respecting Site Plan Control Areas be repealed;

(iv) That By-law 79-275 be amended by deleting the first preamble and inserting the following:

"WHEREAS section 41 of The Planning Act, R.S.O., 1990, provides as follows:

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law designate the whole or any part of such area as a site plan control area.

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34."

(v) That subsection 2 of By-law 79-275 be deleted and the following substituted therefor:

"2. For the purpose of this by-law, the following classes of development mentioned in subsection 41(1) of The Planning Act, R.S.O., 1990, may be undertaken without approval of plans and drawings otherwise required under subsection 41(4) of the said Act.

1. single-family dwellings;

2. two-family dwellings."

(vi) That the City Solicitor be directed to prepare a By-law to amend By-law No. 79-275 for presentation to City Council; and

(vii) That the proposed changes to the by-law are in conformity with Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to amend the areas that are subject to Site Plan Control by adding the following Districts thereto:

1. The "AA" (Agricultural) District;

2. The "B" (Suburban Agriculture and Residential, etc.) District;

3. The "C" (Urban Protected Residential, etc.) District;

4. The "H" (Community Shopping and Commercial, etc.) District; and

5. The "U" (University) District.

The effect of the by-law is to make the following classes of development subject to the approval of plans and drawings:

1. "AA" District - churches and schools.

2. "B" District - churches, schools, colleges and universities.

3. "C" District - churches and schools.

4. "H" District - all uses except for single-family dwellings.

5. "U" District - all uses.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Based on information provided by the Building Department, the number of Site Plan applications that would be generated on a yearly basis by schools, colleges, universities, and churches would be minimal. In this regard, the applications can be absorbed by staff without any disruption to services.

With respect to the "H" District, it is estimated that approximately fifty (50) applications a year would be generated. Of these, approximately 25% would require full Site Plan Approval and the remaining 75% would be addressed as Site Plan Exemptions. It is anticipated that the additional work would be absorbed by staff. However, Departments that are circulated applications for review and comment have advised the increased work load may result in delays in plan review. Consequently, the processing time could be affected. In this regard, the number and types of applications would be monitored to assess the effectiveness of Site Plan Control, and the impacts on staffing.

BACKGROUND:

- **Schools and Churches**

At its meeting of October 8, 1997, the Planning and Development Committee considered an application for an Official Plan Amendment and Draft Plan of Subdivision (Paradise Meadows) in the Carpenter Neighbourhood.

One of the issues considered by the Committee was the applicant's proposal to relocate Street B, which will intersect with the future extension of Garth Street, so as to provide for residential development on both sides of the roadway. This proposal conflicted with the roadway location shown in the approved Neighbourhood Plan which directly abuts the lands of the Public School Board (see APPENDIX A).

The concern was for the provision of a secondary access to the lands of the Board of Education from the local collector street rather than limiting access to the future arterial road, Garth Street. During the discussion, members of the Committee questioned staff about the application of Site Plan Control to regulate access and drop-off areas. Planning and Development Department staff advised the Committee that generally schools, among other uses (ie. churches), were exempt from Site Plan Control because the majority of them were located in a "C" (Urban Protected Residential, etc.) District. Occasionally, some facilities are proposed on sites that have "dual" zoning (ie. "AA" and "C"). Several of the Committee members expressed the view that such uses should be subject to Site Plan Approval.

- **"H" District**

Similarly, concern has also been expressed about commercial developments along major arterial roads. In this regard, the "H" District is the only commercial zoning category not subject to Site Plan approval.

The "H" District is essentially an "Extended/Ribbon Commercial" category of existing commercial establishments located on Arterial Roads (e.g. Barton, Kenilworth). Typically, the commercial uses serve residents and pedestrians in the adjoining neighbourhood(s), with some specialty uses drawing automobile borne traffic from areas beyond the locale.

At the time the Site Plan Control by-law was passed by Council in 1979, it was generally accepted that the "H" Districts were fully developed and the majority of changes that occurred were in occupancy. However, lately there has been a growing trend for redevelopment of these sites.

- **Colleges and Universities**

Planning and Development Committee recently considered an application to permit a student residence on the Mohawk College campus which is in a "B" (Suburban Agriculture and Residential, etc.) District. The "B" District is not subject to Site Plan Control. Accordingly, had the College proceeded with development of a dormitory, which is permitted as-of-right, rather than a student residence, there would not have been an opportunity to review plans and drawings (e.g. landscaping, grading, building elevations, etc.).

Similarly, public concern was raised respecting the potential option to demolish Alumni Memorial Hall at McMaster University to facilitate the construction of a new University Centre. LACAC has concluded that the historic core of the University is of architectural and historical significance and worthy of designation. In this regard, the University is zoned "U" (University) District which is not subject to Site Plan Control. Accordingly, any new development would only have to meet the district requirements (e.g. height, yards) and would not be reviewed in the context of site design.

PLANNING CONTROLS:

- **The Planning Act**

Site Plan Approval is a type of development control authorized under Section 41 of The Planning Act, R.S.O., 1990. The Act empowers Council to designate by By-law the whole or any part of an area described in an Official Plan as a site plan control area.

Unlike zoning by-laws, the passing of a site plan control by-law **does not** require public notification nor is it appealable.

- **Official Plan**

As set out under subsection D.3.6 of the Official Plan:

"..., the entire area within the corporate limits of the City of Hamilton will be a Proposed SITE PLAN CONTROL Area. Specific areas and uses where SITE PLAN CONTROL is to apply will be established by By-law. Conservation, open space, and agricultural uses will be exempt from SITE PLAN CONTROL. Low density Residential, and general and heavy Industrial uses will not be subject to SITE PLAN

CONTROL, unless required as a condition of approval of a rezoning or subdivision application, a Committee of Adjustment application, a land Division Committee application, or for heritage structures and special areas."

In this regard, **"low density Residential"** uses (i.e. "C" District) are not subject to Site Plan Control. As set out under section 9.(1)(iv) of Zoning By-law No. 6593, a school is permitted as-of-right in the "C" District, and in accordance with section 3.(3)(v) churches are an unrestricted use. Consequently, since the majority of schools and churches are located in the "C" District, they are not subject to Site Plan Control, contrary to the intent of the Official Plan.

- **Purpose of Site Plan Approval**

The purpose of the Site Plan Approval process is to review site design features, and coordinate the following:

- overall site design;
- the impact of the proposal on surrounding land uses;
- siting of buildings and structures;
- grading and drainage;
- parking lot layout and vehicular access;
- barrier free design;
- building design; and
- landscaping.

Site Plan Approval provides for the implementation of City requirements (e.g. street widenings, parking, drainage, etc.). It also helps to improve the quality and appearance of the development, and provides for the safe circulation of traffic.

- **By-law Nos. 79-275 & 87-223**

By-law No. 79-275 to establish Site Plan control was passed by City Council on September 25, 1979. In addition to multiple residential and prestige industrial zoning districts, all the commercial districts, except for the "H" District were designated as site plan control areas.

Subsequently, By-law 79-275 was amended by By-law 87-223 to update references to the 1983 Planning Amendment Act.

COMMENTS:

1. Eight municipalities were contacted to determine whether schools/churches were subject to Site Plan Approval. Seven of the municipalities (ie. Ancaster, Burlington, Etobicoke, Mississauga, Oakville, Stoney Creek, Toronto) regulate such uses under Site Plan Control. The Town of Dundas was the only exception.

   From a Planning perspective, schools and churches have the potential to generate significant spill-over impacts on the neighbourhood, in that:

   - they have evolved into seven (7) day a week facilities providing a broad range of community activities (e.g. social, recreational) beyond their primary function;

   - hours of operation are extended;

   - they generate high traffic and parking impacts; and

   - their size, bulk and mass can be visually obtrusive.

   Similarly, colleges and universities have the potential to generate negative spill-over effects. As previously noted, Mohawk College is located in a "B" District which is not subject to Site Plan Control. In approving the recent application for a student residence, City Council placed the western half of the campus under Site Plan Control in order to review the details of development (e.g. building elevations, landscaping, grading, drainage, etc.).

   Other municipalities with similar educational facilities (e.g. Kitchener, Kingston, London, Toronto, Ottawa) were contacted and have advised that such uses are subject to Site Plan Control.

   Accordingly, it would be advantageous for the City to review such developments under the Site Plan process. This would enable the City to assess the developments with respect to:

   - site design;

   - landscaping;

   - parking/access;

- grading/drainage;

- building elevations.

This is consistent with the intent of the Official Plan and the practise of other municipalities.

2. As previously noted, lately there has been a growing trend for redevelopment in the "H" Districts. Recent examples include the following:

- **Stipley Neighbourhood** the southwest corner of King and Gage. Previous gas station to retail commercial (e.g. variety store).

- **Gibson Neighbourhood** the northeast corner of Cannon and Sanford. Previous car dealership and residential to Tim Horton's and commercial.

- **Westdale North Neighbourhood** the northwest corner of King and Longwood. Previous gas station to retail commercial (e.g. variety store).

Consequently, these developments are not reviewed with respect to landscaping, parking, access, grading, etc., as are similar commercial uses in other zoning districts (e.g. "HH" District). Of particular concern is the unregulated establishment of **"Drive-Thru"** facilities and the associated problems that arise with vehicular stacking, access, etc.

However, such properties are placed under Site Plan Control on a site by site basis as a condition of approval whenever an application is made for minor variance, zoning modification or rezoning. Examples of these include the following:

- **Crown Point East Neighbourhood** the northeast corner of Barton and Ottawa (Canadian Tire).

- **Stipley Neighbourhood** the northeast corner of Barton and Lottridge (McDonald's Restaurant).

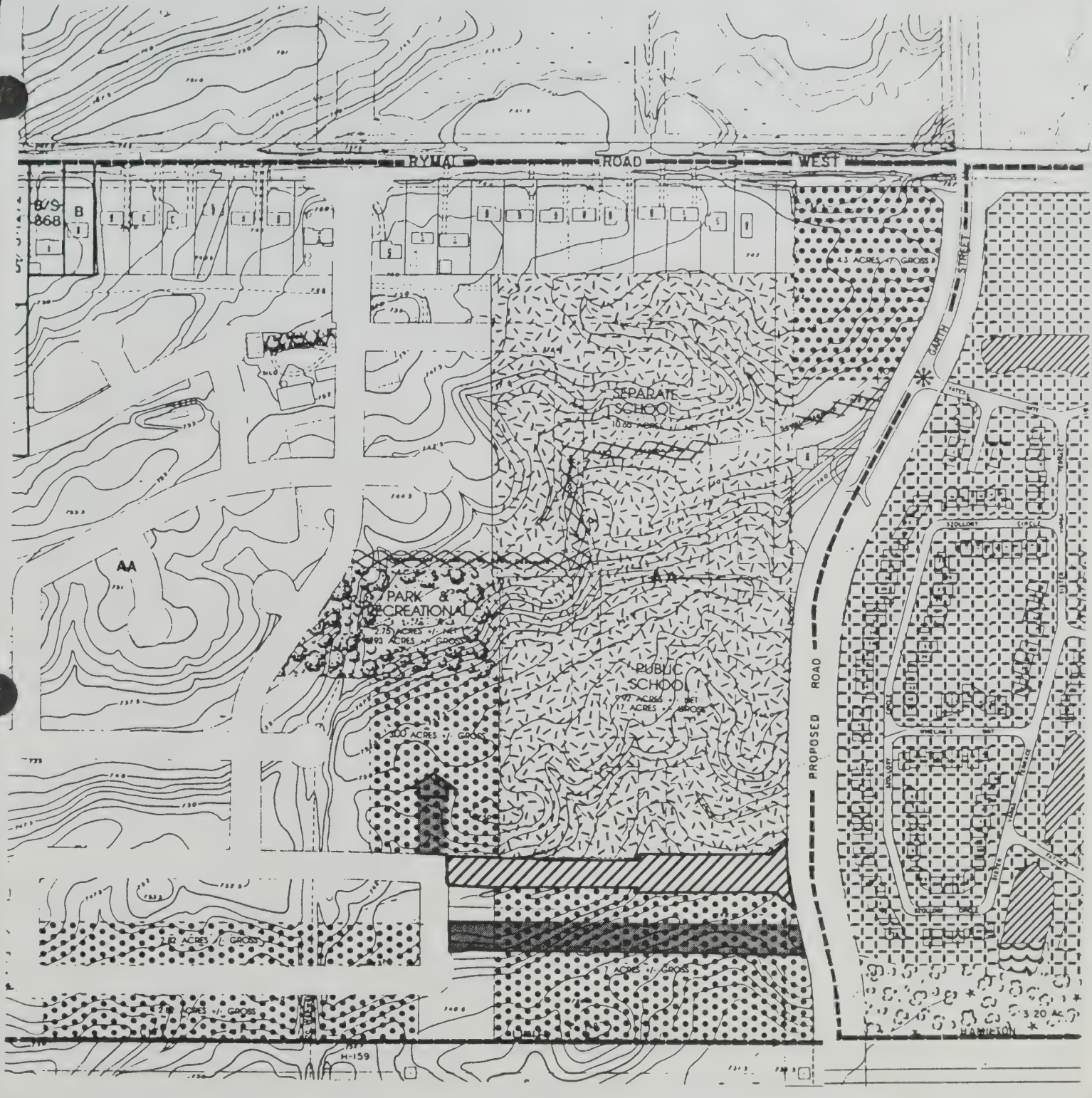
- **Homeside Neighbourhood** the northeast corner of Kenilworth and Roxborough (Tim Horton's).

Accordingly, it would be appropriate to place the "H" District under Site Plan Control. This would be consistent with the intent of the Official Plan and good planning practise.

3. The Building Department; Regional Environment Department, Development Division; Public Works and Traffic Department, Traffic Division; Regional Transportation Department, Development Division, and Law Department have reviewed this report and agree with the recommendations.

CONCLUSION:

That the "AA" and "C" Districts be placed under Site Plan Control to require the approval of plans and drawings for churches and schools; the "B" District for churches, schools, colleges and universities; and the "H" and "U" Districts for all uses.



Legend

Original Street B

Relocated Street B

City of Hamilton

Appendix A

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	CI-98-A
	Date	Drawn By
	March, 1998	R.L.

8.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 May 6
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

i) Minutes of the Special Meeting held 1998 April 14

ii) Minutes of the Meeting held 1998 April 22.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Village Business Improvement Area (B.I.A.) -
Board of Management 1998-2000

C. BUILDING COMMISSIONER

54 King Street East - Gore Heritage 2000 Program

D. DIRECTOR OF PLANNING AND DEVELOPMENT

i) Request for Extension of Exemption from Part-Lot Control "Wisemount Estates, Phase 7" Subdivision, Registered Plan No. 62M-794.

(ii) Proposed Draft Plan of Condominium, CDM-98-01, by Luft Enterprises Inc. for 630-636 Main Street East.

(iii) Proposed Draft Plan of Condominium CDM-98-02/25CDM-98003, Harlowe Road Industrial Condominium Conversion - 16 Harlowe Road.

(iv) Request for 1 Year Extension for the Approval of Site Plan Control Application DA-95-21 for an addition to the existing development for St. Peter's Hospital, 88 Maplewood Avenue

(v) Procedures for the Identification/Remediation of Potentially Contaminated Sites under the Planning Act Review Process

CONSENT AGENDA -
PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1998 May 6

E. CITY CLERK

1998 Annual Conference of the Association of Committees of Adjustment

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Tuesday, 1998 April 14
6:30 o'clock p.m.
Room 233, City Hall

A1)

A Special Meeting of the Planning and Development Committee was held.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman B. Charters
Alderman B. Kelly
Alderman F. Eisenberger

Also present: Alderman M. Kiss
J. Pavelka, Chief Administrative Officer
P. Mallard, Planning and Development Department
L. King, Building Commissioner
J. Spolnik, Building Department
Susan Reeder, Acting Secretary

1. REFERRAL BACK FROM CITY COUNCIL

Zoning Application 98-03 - Property at 243 Fennell Avenue East

The Committee was in receipt of a memorandum from the City Clerk dated 1998 April 1st to advise that City Council at its meeting held 1998 March 31st, referred back the above noted Zoning Application.

Following discussion, the Committee approved the following:

That approval be given to amended Zoning Application 98-03, 1215443 Ontario Inc. (Ontario Pride Construction/Michael Bobiash), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette -Holding) District modified, to permit the construction of 13 townhouse units and 2 semi-detached units, for the property located at No. 243 Fennell Avenue East, shown as Blocks 1 and 2 on the attached map marked as Appendix "A", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

Submission of a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

Removal of the holding restriction shall be conditional upon the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment. City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

(b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified; and,

(c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 1, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10E(2), only a maximum of one semi-detached dwelling and a townhouse dwelling having a maximum of three single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(4)(a), for a townhouse dwelling a side yard depth of not less than 4.0 metres shall be provided and maintained for the southerly lot line; and,

(iii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than three single family dwelling units shall be attached in a continuous row; and,

(d) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 2, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 10E(2), only townhouse dwellings having a maximum of ten single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row; and,

(e) That no pedestrian or vehicular access shall be permitted from East Eleventh Street; and,

(f) That the building elevation drawings as submitted with a future Site Plan application for the subject lands be consistent with the height, scale, style, character and architectural details of the proposed dwellings shown in Appendix "B"; and,

(g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1400, and that the subject lands on Zoning District Map E-16 be notated S-1400; and,

(h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-16, for presentation to City Council; and,

(i) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: Alderman Copps opposed

2. BUILDING COMMISSIONER

(a) Demolition of 453 Ottawa Street North

The Committee was in receipt of a recommendation from the Building Commissioner dated 1998 April 6 and approved the following:

> That the Building Commissioner be authorized to issue a demolition permit for 453 Ottawa Street North in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(b) Commercial Parking Lot Control

The Committee was in receipt of a recommendation from the Building Commissioner dated 1998 April 8 and approved the following:

> That the Building Commissioner be authorized and directed to proactively enforce the requirements of the Property Standards By-law 94-185 and By-law 84-35 with respect to commercial parking lots.

(c) Hamilton Emergency Loan Programme (H.E.L.P.) - 358 Barton Street East

The Committee was in receipt of a recommendation from the Building Commissioner dated 1998 April 6 and approved the following:

> That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000) be approved for Thelma Gravis, 358 Barton Street East. The interest rate will be 2 per cent amortized over 5 years.

Note: Alderman Copps opposed to the 2% interest rate.

(d) The Ontario Association of Property Standards Officers (OAPSO) - Annual Education Seminar and General Meeting to be Held at McMaster University - 1998 May 24-29

The Committee was in receipt of a recommendation from the Building Commissioner dated 1998 April 3 and approved the following:

(a) That the City of Hamilton participate in the Ontario Association of Property Standards Officers Annual Education Seminar and General Meeting by sponsoring the President's Dinner", which will feature the Honourable Al Leach, Minister of Municipal Affairs and Housing, as key note speaker, on 1998 May 27, at McMaster University at a cost not to exceed $5,000; and,

(b) That the Finance and Administration Committee recommend the method of financing.

ADDED - DIRECTOR OF PLANNING AND DEVELOPMENT/CHIEF ADMINISTRATIVE OFFICER - REQUEST FOR REMOVAL OF A HOLDING PROVISION - 100 LOCKE STREET SOUTH

The Committee was in receipt of an Added Report from the Director of Planning and Development and the Chief Administrative Officer dated 1998 April 14th respecting the above noted matter.

Some discussion ensued with respect to this property and the approval of "A Record of Site Condition", to the satisfaction of the Regional Environment Department and the Ministry of Environment.

The Committee approved the following:

(a) That approval be given to Zoning Application ZAR 98-09, Good Shepard Non-Profit Homes Inc., prospective owner, requesting removal of the 'H' - Holding provision under Section 36 of the Planning Act, to permit residential development, for property located at No. 100 Locke Street South, as shown on the attached map marked as Appendix "C". The 'H'-Holding provision was placed on the subject lands to prohibit development for the lands until such time as the applicant\owner submitted and received approval of "A Record of Site Condition", to the satisfaction of the Regional Environment Department and the Ministry of Environment.

(b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 97-195, and Zoning District Map W-13, in a form satisfactory to the City Solicitor, for presentation to City Council.

ADDED - DEPARTMENTAL JURISDICTION ON UNSAFE PROPERTIES

Discussion also ensued with respect to Departmental jurisdiction on unsafe properties. In this regard, the Building Commissioner indicated that the jurisdiction on these properties falls within the parameters of his Department, as well as the Fire Department. Chief Administrative Officer indicated that this same issue is being reviewed by the Finance and Administration Committee. It was agreed that the Building Commissioner and the Fire Chief would be preparing a joint report back to the Finance and Administration Committee on this matter.

3. **ADJOURNMENT**

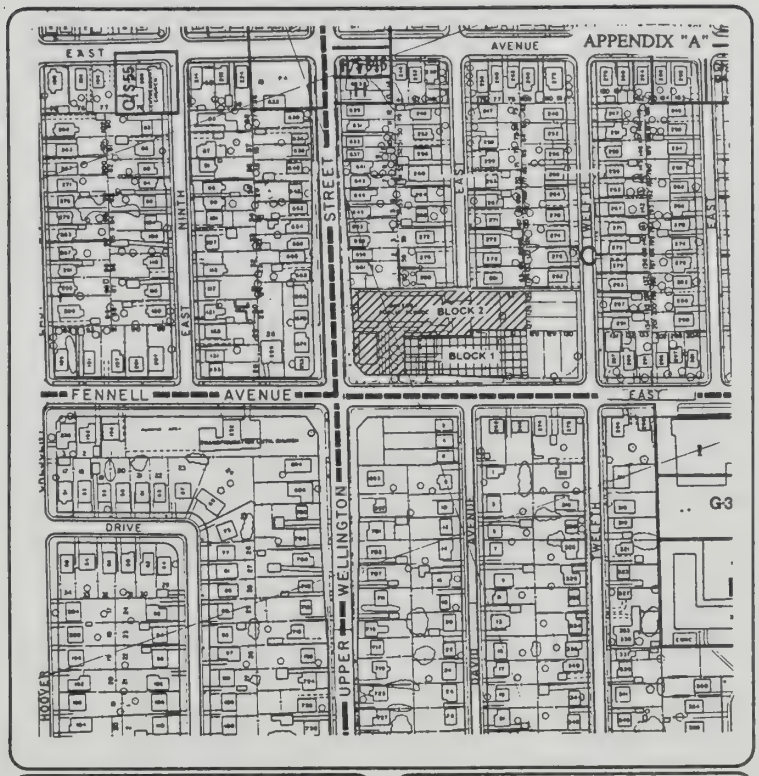
There being no further business, the meeting then adjourned.

Taken as read and approved.

Alderman F. D'Amico
Chairman

Susan K. Reeder
Acting Secretary
1998 April 14th

Appendix "A" as referred to in
Section 1 of the Special Planning and
Development Committee Minutes
dated 1998 April 4



Legend

Change in Zoning From:

BLOCK 1 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - "H" (Townhouse - Maisonette - Holding) District, Modified.

BLOCK 2 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - "H" (Townhouse - Maisonette - Holding) District, Modified.

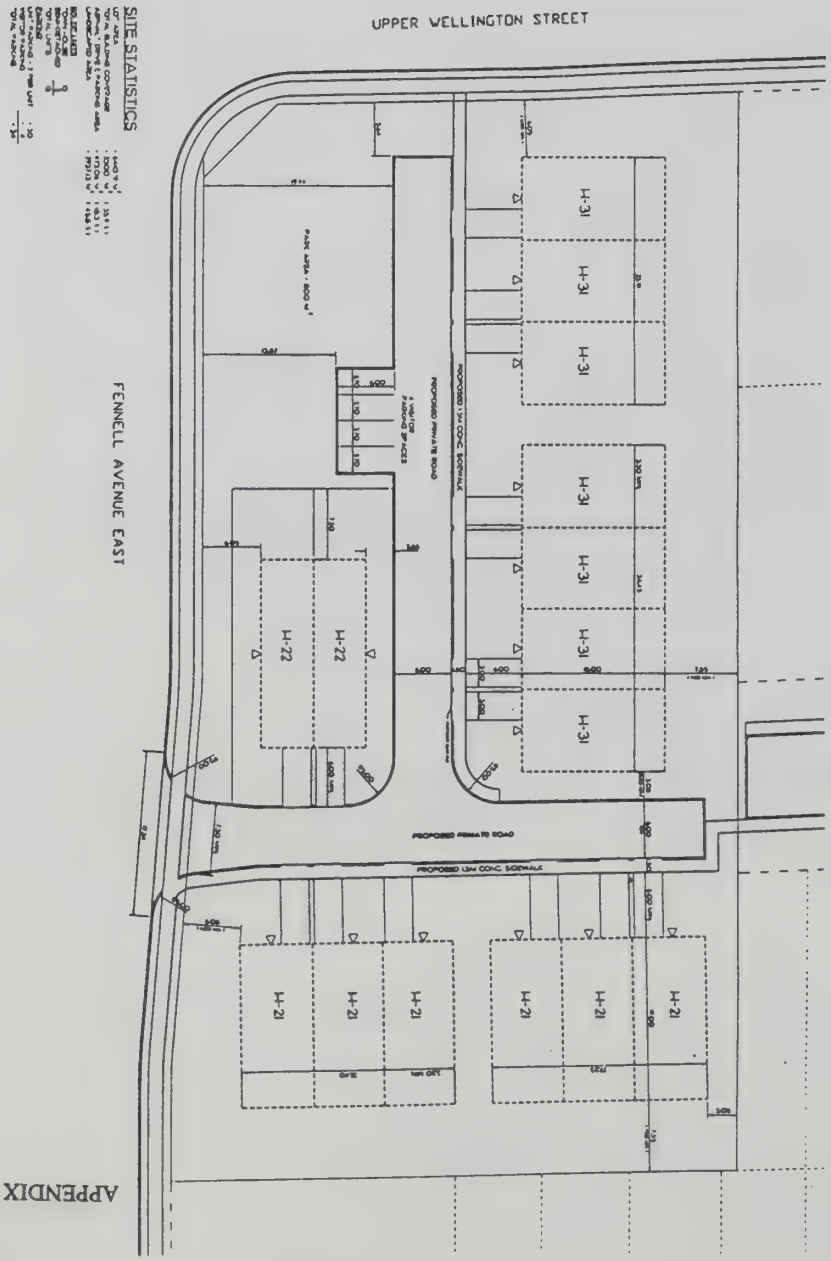
City of Hamilton

Location Map

Planning and Development Department

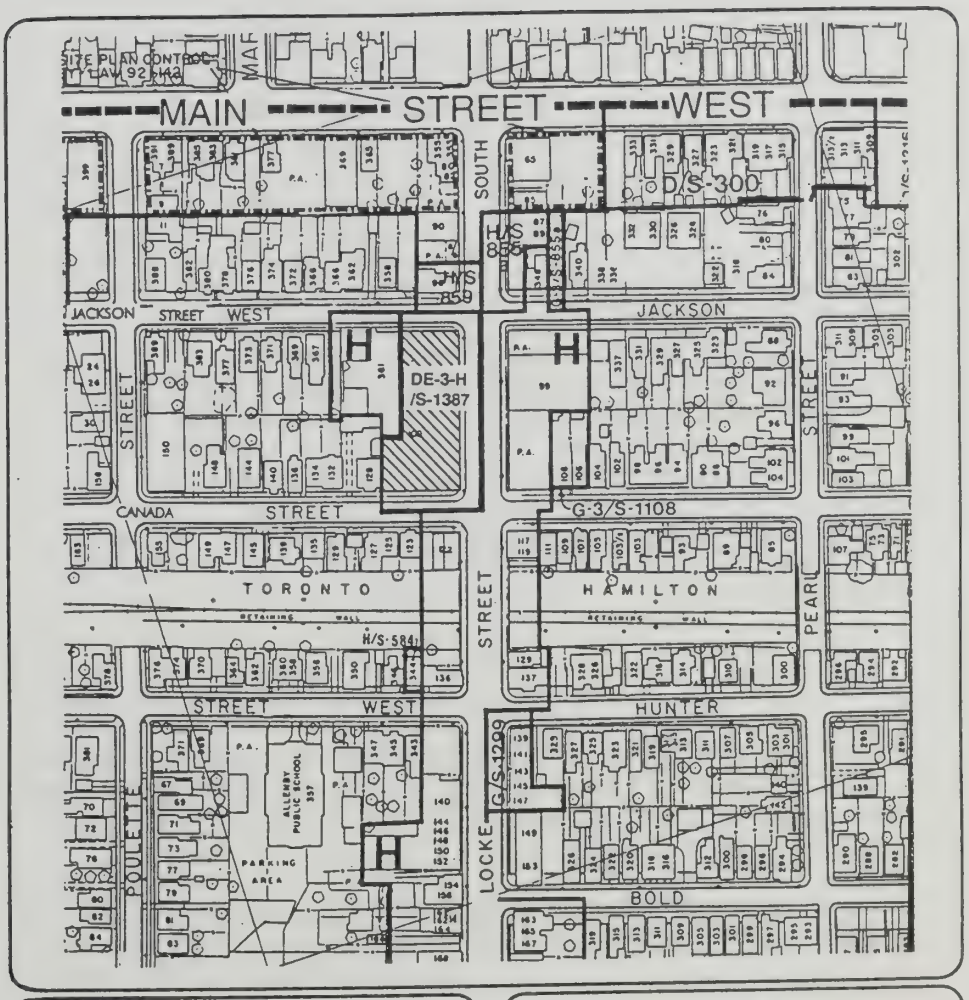
North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-03
	Date	Drawn By
	March, 1998	R. L.

Appendix "B" as referred to in
Section 1 (f) of the Special Planning
and Development Committee Minutes
dated 1998 April 14



APPENDIX "B"

Appendix "C" as referred to in
Section 2(d) of the Special Planning
and Development Committee Minutes
dated 1998 April 14



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-98-09
	Date	Drawn By
	March, 1998	R.L.

Wednesday, 1998 April 22
9:30 o'clock p.m.
Room 233, City Hall

Aii)

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman R. Corsini
Alderman B. Charters
Alderman B. Kelly
Alderman F. Eisenberger

Regrets: Mayor R. M. Morrow, Civic Business
Alderman Haining, Civic Business

Also present: Alderman M. Kiss
Alderman A. Horwath
Alderman B. Morelli
Victor Abraham, Director of Planning and Development Department
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Ed Switensky, Public Works and Traffic
Eugene Chajka, Regional Environment Department
Willy Wong, Building Department
Mark Mascarenhas, Building Dept., Housing and Loans Div.
Mike Watson, City Clerk's Dept., Real Estate Division
Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. **Official Plan Amendment and Zoning Application 98-06, by 1023942 Ontario Inc. (Country Depot), Owner, for a Modification to the Existing "M-13" District for Property Located at 10 Dartnall Road.**

Paul Mallard explained that the application is to establish a special policy area to permit the expansion of the existing Country Depot. The proposal is consistent and compatible with surrounding uses. There are some restrictions with regard to stock piling and height of stock piles. Of 18 Notices circulated, 2 replied in favour and 0 were opposed. The Applicants were present in favour of the recommendation.

As recommended in a report dated 1998 April 15 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 149 to establish a Special Policy Area to permit a garden centre and related uses, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to amended Zoning Application 98-06, Country Depot, 1023942 Ontario Inc., owner, for a modification to the established "M-13" (Prestige Industrial) District regulations, to permit retail/wholesale for farm and home supplies and a lawn and garden centre with outside storage, for property located at 10 Dartnall Road, as shown on the attached plan marked as Appendix "A", on the following basis:

(i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(a) That notwithstanding Section 17E(1)(c) of Zoning By-law No. 6593, the following additional uses shall be permitted:

1. Retail/Wholesale of farm and home supplies; and,

2. Lawn and Garden Centre, excluding open stockpiling of fertilizers, soil and soil conditioners; and,

(b) The total area used for storage inside shall not exceed 48.0% of a building or structures gross floor area; and,

(c) That notwithstanding Section 17E(2)(b)(1)(ii) of By-law No. 6593, the chemical storage shed, existing on the day of passing of this By-law, shall provide a southerly side yard of 4.0 m minimum; and,

(d) That notwithstanding Section 17E(2)(h)(1) of By-law No. 6593, outside storage shall be permitted in the non-required front yard, provided that it is screened from external view by a chain link fence not less than 1.5 m in height and not more than 3.0 m in height; and,

(e) That notwithstanding Section 17E(2)(h)(2) of By-law No. 6593, every side yard or rear yard that is used for outside storage of any material or any equipment shall be screened from external view by a chain link fence not less than 1.5 m in height and not more than 3.0 m in height, and a landscaped area with a planting strip having a width of not less than 1.2 m along the side and rear lot lines adjacent to the outside storage area shall be provided and maintained; and,

(f) That notwithstanding Section 17E(2)(h)(4) of By-law No. 6593, the total area used for storage outside of a building or structure shall not exceed 30% of the lot area subject to the following requirements that:

1. Not more than two percent (2.0%) of the total outside storage area is not required to be screened from external view; and,

2. No stockpile of retail/wholesale farm and home, lawn and garden supplies located in the outside storage area shall exceed a height of 4.0 metres; and,

(g) Section 17E(2)(i) of By-law No. 6593 shall not apply; and,

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S-1403, and that the subject lands on Zoning District Maps E59D be notated S-1403; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E59D; and,

(iv) That the proposed modification in zoning will be in conformity with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. 149 by the Regional Municipality of Hamilton-Wentworth.

2. **Proposal to Rename a Portion of Dulgaren Street in the Eleanor Neighbourhood**

Paul Mallard stated that there is a break in the Dulgaren Street. For safety and emergency response purposes they are changing the name of part of the street.

As recommended in a report dated 1998 April 8 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That street name "Dulgaren Street" be changed to "Dalia Avenue" for that portion of Dulgaren Street located between Upper Sherman Avenue and the future extension of Eaglewood Drive, as shown on the attached map marked as Appendix "B"; and,

(b) That the City Solicitor be directed to prepare a By-law for enactment by City Council to change the street name from "Dulgaren Street" to "Dalia Avenue" in accordance with the provisions of the Municipal Act; and,

(c) That the City Solicitor be directed to register the By-law and that duplicate copies of the By-law be sent to the Building Department, Department of Public Works and Traffic, Planning Department, Regional Environment Department and Regional Transportation Department.

3. **Zoning Application 97-33, by Nicola and Rosalba Clarizio, Owners, for a Further Modification to the "C" District, for Lands Located at 852 Upper Wentworth Street.**

Alderman Kelly requested that the matter be tabled in order to meet with the applicants and anyone having concerns with this application.

The Committee concurred that the Item be tabled to the next regular Planning and Development Committee meeting.

4. **Zoning Application 98-05, by Luft Enterprises Inc., for a Further Modification and Change in Zoning for Property Located at 400 York Boulevard and 16 Magill Street.**

A submission was received from Kenneth James Brawn, owner of 18 Crooks Street, Hamilton.

Paul Mallard advised that although the proposed application provided additional housing, it is an over intensification of use and conflicts with the York Boulevard design guidelines. There was concern that parking had been provided offsite which

cannot be legally enforced. Mr. Mallard advised that if the Committee considers approval, they should place the "H" Zone on both parcels of land. Of 700 units notified, 7 replied in favour and 6 opposed.

Ray Luft of 81 Charlton Avenue East, Suite 103 in Hamilton, was present on behalf of the applicant. He stated that the commercial space has never been leased out. There are significant amounts of back taxes owing. In this new situation, the Applicant is faced with a parking shortfall, therefore the Applicant has purchased a lot across the street for parking. He requests that the Committee approve this application in order that the property can be put to use.

Alderman Caplan said he is supporting the application with changes, including placing it in the "H" Zone. He stated that there is a need for more housing in the downtown core in order to bring in more people. He said that the Applicant agrees to include a walkway and if necessary, an awning over the street. He concluded by stating that the implementation of an "H" Zone will meet the concerns with regard to parking.

Alderman Kiss stated that no calls have been received in opposition to this application.

Alderman Copps was concerned that a bad precedence is being set with regard to having parking on a separate lot than the housing units.

Alderman Charters stated that it was preferable to have residential on the main floor instead of nothing since the commercial area have never been used. He stated that the application, if approved, will make this site better.

Alderman Eisenberger concurred and stated that the Council has encouraged residential units in the downtown core. He also suggested though, that the design guidelines of the York Boulevard be revisited.

Following a brief discussion, the Committee resolved that the recommendation of the Director of Planning in a report dated 1998 April 15 be recommended to Council as amended as follows:

(a) That approval be given to Zoning Application ZAC-98-05, Luft Enterprises Inc., for a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "1") and a change in zoning from "H" (Community Shopping and Commercial, etc.) District modified to "G-3" (Public Parking Lots) District (Block "2"), modified, to permit the conversion of the first floor of the existing building from commercial use to seven (7) residential units (Block "1"), and a parking lot (Block "2") to be used in conjunction with lands at 400 York Boulevard, for lands located at 400 York Boulevard (Block "1") and 16 Magill Street (Block "2"), as shown on the attached map marked as Appendix "C", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning districts. The holding provision will prohibit the development of the subject lands (Blocks "1" & "2") until such time as a plan of condominium has been registered, and the lands known as 400 York Boulevard and 16 Magill Street have been included in the description and the declaration for the condominium to the satisfaction of the Director of the Planning and Development and the City Solicitor; and,

City Council may remove the 'H' symbol, and thereby give effect to the "E" District modified provisions and "G-3" District modified provisions

as stipulated in this By-law, by enactment of an amending By-law once this condition is fulfilled; and,

(ii) That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District modified to "G-3" (Public Parking Lots) District; and,

(iii) That the "G-3" (Public Parking Lots) District provisions, as contained in Section 13C of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

(a) That the subject lands be used only in conjunction with 370 York Boulevard and 400 York Boulevard; and,

(b) Notwithstanding Section 18A(1)(f), a 5.3 m minimum required manoeuvring space shall be provided and maintained for each parking space; and,

(iv) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593 as amended By-law 87-78, applicable to Block "1", be further modified to include the following variances as special requirements:

(a) Notwithstanding clause 1(d) of By-law 87-78, a maximum gross floor area of 2,991.0 m^2 (32,196.0 S.F.) and thirty-three (33) units shall be permitted on the subject lands; and,

(b) Notwithstanding clause 1(e) of By-law 87-78, not less than 10% of the lot area shall be provided and maintained as landscaped area; and,

(c) Notwithstanding clause 1(f) of By-law 87-78, a landscape planting strip having a minimum width of 1.35 m shall be provided and maintained along each lot line abutting a residential district to the north; and,

(d) That notwithstanding Section 18A, eighteen (18) parking spaces shall be provided and maintained for a thirty-three (33) unit Multiple Dwelling; and,

(e) That notwithstanding Section 18A (1)(c), one (1) loading space at 9.0 m x 3.0 m x 4.3 m shall be provided and maintained on Block "1" of the subject lands; and,

(f) That notwithstanding Section 6.(3) of By-law 76-233, planters, air conditioners and ornamental iron railings may project not more than 1.5 m within the front yard; and,

(v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-481d, and that the subject lands on Zoning District Map W-11 be notated S-481d; and,

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council; and,

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) Upon finalization of the implementing By-law the Strathcona Neighbourhood Plan be amended by changing the designation of Block "1" of the subject lands from "Commercial and Apartments" to "Medium Density Apartments".

***Alderman Copps opposed.**

The Committee concurred that Staff be directed to review the design guidelines for the York Boulevard and bring them back to Committee for discussion.

5. **Zoning Application 97-31, by Altco Trading Int'l Inc., Owner, for a Change in Zoning from "D" District to "H" District, Modified, for Lands Located at 520 James Street North.**

Submissions were received from the following:

(a) John Goodwin, 51 Macauley Street West, Hamilton
(b) Janice Stone, 475 Hughson St. North, Hamilton
(c) Centennial School, 47 Simcoe St. E., Hamilton
(d) Petition submitted by Ann Buckle, 445 Hughson Street North, Hamilton

Paul Mallard stated that the application is to permit a storage and warehouse facility to to allow waste recycling. He stated that the owner has been issued an Order to Comply to cease recycling or legalize the use. The Application conflicts with the Official Plan and Neighbourhood Plan. There are potential negative spill over effects on the residential area, such as noise, truck and safety effects. He stated that there is an adequate supply of lands for recycling in the Harbour areas. With respect to the application for "H" District, these are high traffic generators.

The Planning Department has requested that they come back with the more specific list of uses, therefore the Planning Department is recommending denial. Of 245 Notices circulated, 3 replied in favour and 24 opposed.

Art Sarna, President of Altco Trading International Inc. was present. He stated that he did not ask for permission to recycle but permission to sort. He read a letter from the tenant, Larry Pomerantz, to the Committee which stated that the recycling is from schools and is non-hazardous, non-toxic and regular blue box items. The Fire Department has certified the location as being safe. The building is accessed from the front and the rear of the property through the alleyway. The material is not recycled it is only sorted. He stated that the present tenant provides employment and training and is committed to the environment and people first, in fact, the tenant is the Co-ordinator of Earth Day activities.

Mr. Sarna stated that they expected that his legal counsel would be present but they are not available to attend the meeting and therefore he requested the Committee to delay the matter.

Paul Mallard advised that for the purposes of the by-law, the operation is a recycling transfer facility. Once recycling is permitted, the type of recycling cannot be specified.

Ann Buckle of 445 Hughson Street North was present, she lives behind the facility. She is the person who submitted the petition against the rezoning. She is concerned firstly, about the rezoning, and secondly, the fact that this business has been in operation for 2 years without permission. She stated that there are negative effects to the neighbourhood. She submitted 76 names in opposition to the application.

Linda Finch of 14 Picton Street West was present. She said she lives around the corner from the property in question. She stated that it is a dangerous situation since the traffic is close to three schools and one recreation centre. She was concerned about the safety of all the children.

Sandra Harse of 550 James Street North was present. She said that she is a 15 year resident and a third generation resident in her property. She stated that the proposed Application is in conflict with the beautification of the Bay Front which the government has spent $2,000,000 developing. If Zoned it will set a precedent and other people may purchase similar types of properties and run recycling operations.

Darryl Bender of 169 James Street North, Head of the Neighbourhood Association on the west side of James Street was present. He was there to speak for Dwight Robinson and submitted a letter from him. He stated through the letter that there are other areas that are re-zoned for recycling. The use has been proceeded with illegally. "H" is not an appropriate Zone for the use and if approved, this application will be the beginning of the residential erosion of the area. He stated that Dwight Robinson would like to be notified of any amendment to the Official Plan with regard to this use.

Emile Zmenak, owner of 463, 467 and 479 Hughson Street North was present. He stated that he has owned these properties for 18 years and through the efforts of the City and residents of the area, this area is turning into a beautiful residential area. He stated that he has experience in the development field and should the application be approved he will appeal it to the Ontario Municipal Board.

Mr. Art Sarna reiterated that he does not have counsel to advise him and again asked the Committee for a delay in making a decision on this application.

Alderman Corsini stated that he is against the application. Many residents are in opposition. He is concerned that if approved, it could be used for other types of recycling in the future.

Alderman Horwath explained that Council is trying to make the downtown area friendly and as such, more residential. She stated that an application like this flies in the face of the City's plans and therefore it is an inappropriate request.

Alderman Copps concurred and stated that the Committee should not formally legalize the use.

Alderman Eisenberger also concurred and suggested that a mechanism be put in place in order that this situation not recur.

As recommended in a report dated 1998 April 15 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That Official Plan Amendment Application by Altco Int'l, owner, to establish a Special Policy Area to permit a sorting/storage warehouse (waste recycling) use for lands known municipally as 520 James Street North, as shown on the attached map marked as Appendix "D", be denied; and,

(b) That Zoning Application ZAC-97-31, Altco Int'l Inc, owner for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit a range of commercial uses and a sorting/storage warehouse (waste recycling facility), for lands located at 520 James Street North, as shown on the attached map marked as Appendix "D", be denied for the following reasons:

(i) the sorting/storage (waste recycling) use is considered an industrial use and, as such, conflicts with the Official Plan and the approved North End East Neighbourhood Plan which designates the lands "Commercial"; and,

(ii) it allows for the continuation of an industrial use in an established residential neighbourhood with significant negative spillover effects including noise, truck traffic, lack of buffering/separation distance from adjacent single family dwellings, potential health/safety hazards, amongst others; and,

(iii) approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Official Plan and erode the residential character of the area.

Recorded Vote:

Yeas: Alderman D'Amico, Alderman Copps, Alderman Kelly, Alderman Corsini, Alderman Charters, Alderman Eisenberger and Alderman Caplan.

Nays:

Carried.

THE COMMITTEE SUSPENDED THE RULES OF ORDER TO HEAR THE AGENDA OUT OF SEQUENCE.

6. Demolition - 49 Royal Avenue (Previously Tabled)

The Committee moved to hear public delegations on this matter.

Willy Wong explained that this application was previously tabled. It is a straightforward application, no plans have been submitted for building.

In response to a question from Alderman Copps, Victor Abraham replied that the City had the power to require that a Building Permit be issued prior to issuing a Demolition Permit.

Mike Lulgjuraj a 169 Rymal Road Applicant was present. He explained that in September 1997 he purchased a house on Royal Avenue with the intention of making it a parking lot to his already established building next door, but he found that it would not be worthwhile so he is trying to sell the property. He has been told that the his house is unlivable and should be torn down so that it may be easier to sell the Lot.

Linda Grigg of 35 Thorndale Street North was present. She was instrumental in getting the Monster House By-law passed. She stated that the application has been before the Committee of Adjustment and has gone to the Ontario Municipal Board. The application was to enlarge his bar. She explained that the neighbours wanted to protect the housing stocks. She showed a photograph of a similar home that was purchased and renewed. In her opinion, this house can be saved and she urged the Committee the apply Demolition Control so that a new house must be built on the property. She explained that there is a petition attached to the agenda item against the demolition of the home.

Alderman Caplan stated that he has been to the property and stated that the house is unsaleable and unfixable. It has no plumbing, electricity and only a small space heater. He added that neighbours on both sides of the house wanted it torn down because it is a fire hazard.

In response to a question, Willy Wong stated that if the Lot is vacant it cannot be used as parking space.

Alderman Kiss stated that there is no proof that this property is unfixable.

Alderman Corsini stated that this application is to demolish and at present the property cannot be used as a parking lot or to build a monster home.

Alderman Eisenberger stated that the Lot is 35' x 80' and therefore a monster cannot be built on the lot. The only other option is for the City to purchase it.

Mr. Lulgjuraj stated that everyone is prejudging what will happen with the Lot. He stated that it is impossible to make everyone happy. He cannot expand the bar because he has no parking and he cannot provide parking because it is too costly. He stated that if the City wants to buy it, they can purchase the lot for the same price that he purchased it.

Alderman Kelly stated that the proposal is for demolition and that the future is beyond the scope of the Committee. He understands that the residents are concerned with future use but also the saleability of the property must be considered. He stated that any potential purchaser must appear before the Committee before anything is built on the property.

As recommended in a report dated 1998 March 12 from the Building Commissioner, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 49 Royal Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

7. Local Architectural Conservation Advisory Committee - St. Mark's Centre - Repairs to Roof and Re-Examination of Potential Users

Alderman Eisenberger questioned which party is paying for the damage on the roof of St. Mark's. As there was no one present from LACAC to speak on the matter, the Committee tabled the item in order to get details of payment.

A discussion also ensued with regard to the use of the building. Alderman Charters stated and the Committee agreed that it must be determined what use this building is to be put to.

8. Official Plan Amendment - Protection of the Rental Housing Stock

Joanne Hickey-Evans was present and stated that various parties wished to table the matter.

Alderman Charters requested and the Committe concurred that we should hear the input of those present.

Alderman Copps stated that we should also have input from the tenants and property owners as well as the builders and developers. They should also be included in the consultation.

Serge Manchia of Planning and Engineering Initiatives was present and on behalf of Mike Bryant, President of Hamilton Home Builders Association, he stated that they are opposed since the proposal is not in keeping with free enterprise. He stated that they were not notified until Friday afternoon. He represents the second largest home builders group in Canada. Present and also wishing to speak is Gabriel DeSantis, Anthony DiCenzo and Mr. Ariens.

Mr. DiCenzo stated that the report is reactionary. It is the old system based on Canada Mortgage and Housing Company vacancy rates which are not always reliable. He stated that under the new Tenant Protection Act, protection already exist and tenants have the right to stay in the property and the first right of refusal for purchasing the units. Under staff's proposal, there is little discretion. He stated that the Province has spent 3 years reviewing the process to come up with the Tenant Protection Act. The City has not given enough circularization. He suggested that if the City wants to revitalize the downtown core they should not make it difficult to get conversions. He asked that the Staff's recommendation be denied or alternately it be tabled for 6 months in order to form a sub-committee to review the matter.

Mr. Ariens of Planning Initiatives was present. He stated that the proposal by the Planning Staff reduces the degree of flexibility of condo conversions. He stated that the process will become more onerous and time-consuming.

Mr. DeSantis stated that he would like to promote people getting out of rental units and into ownership.

Michael Ollier of McQuesten Community Legal Services was present. He agreed that a public meeting would be a good idea but he stated though that the proposal before the Committee is well prepared. Staff has contacted various municipalities. The Tenant Protection Act does not provide all protections. He stated that it does not only relate to present tenants, but looking at future rental housing stock. He stated that he is affiliated with tenant organizations and they should also be permitted to make their submissions.

Alderman Charters suggested tabling for 1 month.

Alderman Horwath suggested an amendment for directions to the tabling to require that a public meeting be held in the evening and that the public be given the opportunity to make submissions.

With regard to a question from Alderman Horwath, Joanne Hickey-Evans advised that the Tenant Act has not been proclaimed yet.

The Committee resolved that the matter be tabled for a period of 1 month and that a public meeting be held in the evening.

9. Subdivision and Condominium Delegation

The Committee concurred that they should reiterate their original resolution that Sub-Division and Condominium Delegation be brought to the City to administer. After a brief discussion, the Committee resolved to recommend to Council as follows:

(a) That City Council reaffirm its request of October 31, 1995, to Regional Council to delegate the authority to approve plans of subdivision and condominium to the City of Hamilton.

(b) That upon delegation of authority for subdivision and condominium approval from Regional Council, City Council delegate, by By-law, the authority to the Director, Planning and Development Department.

(c) That the City Clerk notify the Regional Clerk and the Commissioner, Regional Environment Department.

Recorded Vote:

Yeas: Alderman Caplan, Alderman Charters and Alderman Kelly.

Nays: Alderman Copps and Alderman D'Amico.

Carried.

10. Referral Back from Council - Official Plan, Zoning and Site Plan Bills for 135 Fennell Avenue West.

The Committee was in receipt of a Memorandum dated 1998 April from the City Clerk.

The Committee resolved that the 3 Bills be placed before the next Council meeting for approval.

11. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the meeting held 1998 March 25 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. BUILDING COMMISSIONER

(i) Demolition of 1478 Upper James Street, dated 1998 April 14:

That the Building Commissioner be authorized to issue a demolition permit for 1478 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(ii) Demolition of 34 Crockett Street, dated 1998 April 14:

That the Building Commissioner be authorized to issue a demolition permit for 34 Crockett Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iii) 87-89 King Street East (Kit Kat Building), dated 1998 April 9 as Amended:

(a) That the city owned property at 87-89 King Street East be tendered for sale, with a restrictive covenant on title that the purchaser undertake to improve the property by adding two storeys substantially in accordance with the attached concept marked Appendix "E"; and,

(b) That this be co-ordinated through the Housing Section of the Building Department.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) **"Brigadoon Park", Hamilton, "Wellington Meadows - Phase 1", Hamilton, "Wisemount Estates - Phase 10", Hamilton - (Cash Payment in Lieu of 5% Parkland Dedication), dated 1998 March 27:**

That the City of Hamilton accept the sum of $13,800 in connection with "Brigadoon Park", Hamilton, $12,100 in connection with "Wellington Meadows - Phase 1", Hamilton, and $16,000 in connection with "Wisemount Estates - Phase 10", Hamilton, as the cash payments in lieu of the 5% land dedication required under Section 51 of the Planning Act.

(ii) **Amended Resolution for ZAC-98-03 - 243 Fennell Avenue East, dated 1998 April 16:**

That Section 1 of the Seventh Report of the Planning and Development Committee for 1998, as approved by City Council on 1998 April 14 (attached as APPENDIX "A") be amended by deleting Section 1.(a) in its entirety and that Sections 1.(b), 1.(c), 1.(d), 1.(e), 1.(f), 1.(g), 1.(h) and 1.(i) be renumbered to 1.(a), 1.(b), 1.(c), 1.(d), 1.(e), 1.(f), 1.(g) and 1(h), respectively.

D. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Disposition of Land on Escarpment Brown - Comprehensive Plan for Future Use, dated 1998 April 14:

The Committee approved the following resolution:

That the Planning and Development Department be requested to undertake a study to develop a comprehensive plan for the future use of Hamilton Psychiatric Hospital and Chedoke Hospital lands, which are scheduled to become available in the event that the hospitals are closed.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1998 April 16 and received the following items which were previously forwarded to members of the Committee under separate cover:

(i) Mohawk College Building and Construction Sciences re: Jerome Neighbourhood Development Presentations, dated 1998 March 27.

(ii) Secretary, LACAC re: Minutes of the Meeting held 1998 March 9, dated 1998 April 6.

12. PRIVATE AND CONFIDENTIAL AGENDA

The Committee moved into closed session to discuss its Private and Confidential Agenda and reconvened immediately thereafter with the following report:

(a) That an Offer to Purchase Part 2, Plan 62R-8629, 1650 Upper Ottawa Street for the price of $167,000, executed by AFFG Properties & Investments Inc., dated 1998 March 16, be accepted. The said lands having a frontage on the westerly limit of Upper Ottawa of 70.259 metres (230.51 feet), by a depth of 187.449/187.731 metres (614.99/615.92 feet) and containing an area of 1.350 hectares (3.34 acres), being part of Lot 11, Plan 62M-352, Hamilton Mountain Industrial Park No. 3, said transaction scheduled to close on 1998 May 27. Funds derived from this sale less commission be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,

(b) That this transaction include the Purchaser's promise to the City to develop this land with a building (not less than 10,000 square feet) by 1999 June 27 and if he fails to do so, to re-sell the land to the City of required by the City; and,

(c) That upon successful completion of this sale, a real estate commission of 6% of the $167,000 sale price, plus GST, be paid to Blair, Blanchard, Stapleton Limited (Sales representative Drew Blair), who acted in this matter; and,

(d) That the required deposit cheque in the amount of $16,700 be held by the City Treasurer pending Council approval; and,

(e) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

(i) satisfactory notice has been given to the public of the intended sale;

(ii) no appraisal of the fair market value of the real property being sold was obtained as the lands are exempt from the appraisal requirements of Section 193 of the Municipal Act.

13. ADJOURNMENT

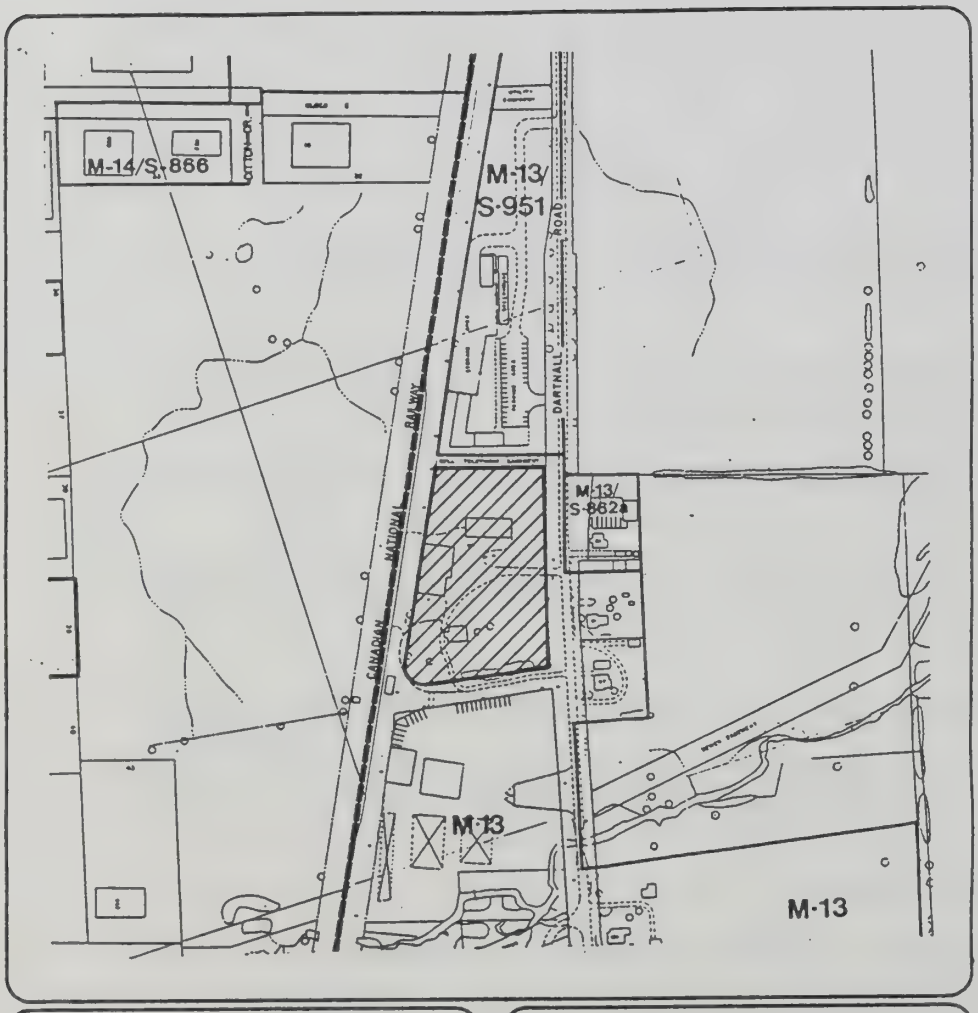
There being no further business, the Committee meeting adjourned.

Alderman F. D'Amico, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/mec

Appendix "A" as referred to in
Section 1(b) of the Planning and
Development Committee Minutes
dated 1998 April 22



Legend

Site of the Application

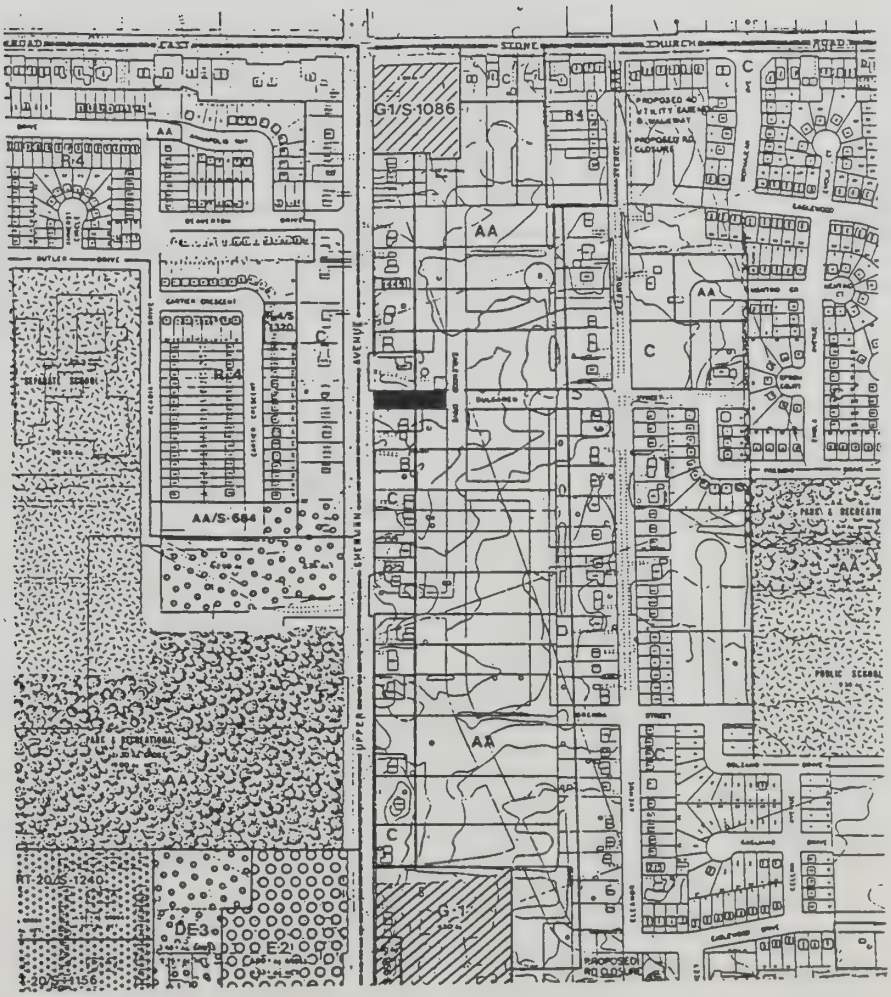
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-06
	Date	Drawn By
	FEBRUARY, 1998	B.B.

Appendix "B" as referred to in
Section 2(a) of the Planning
and Development Committee Minutes
dated 1998 April 22



Legend

Portion of Dulgaren Street to be renamed

N.T.S.

Appendix "C" as referred to in
Section 3(a) of the Planning
and Development Committee Minutes
dated 1998 April 22



Legend

BLOCK 1 — Further modification to "E" (Multiple Dwellings Lodges, Clubs, etc.) District.

BLOCK 2 — From "H" (Community Shopping and Commercial, etc.) District to "G-3" (Public Parking Lots) District.

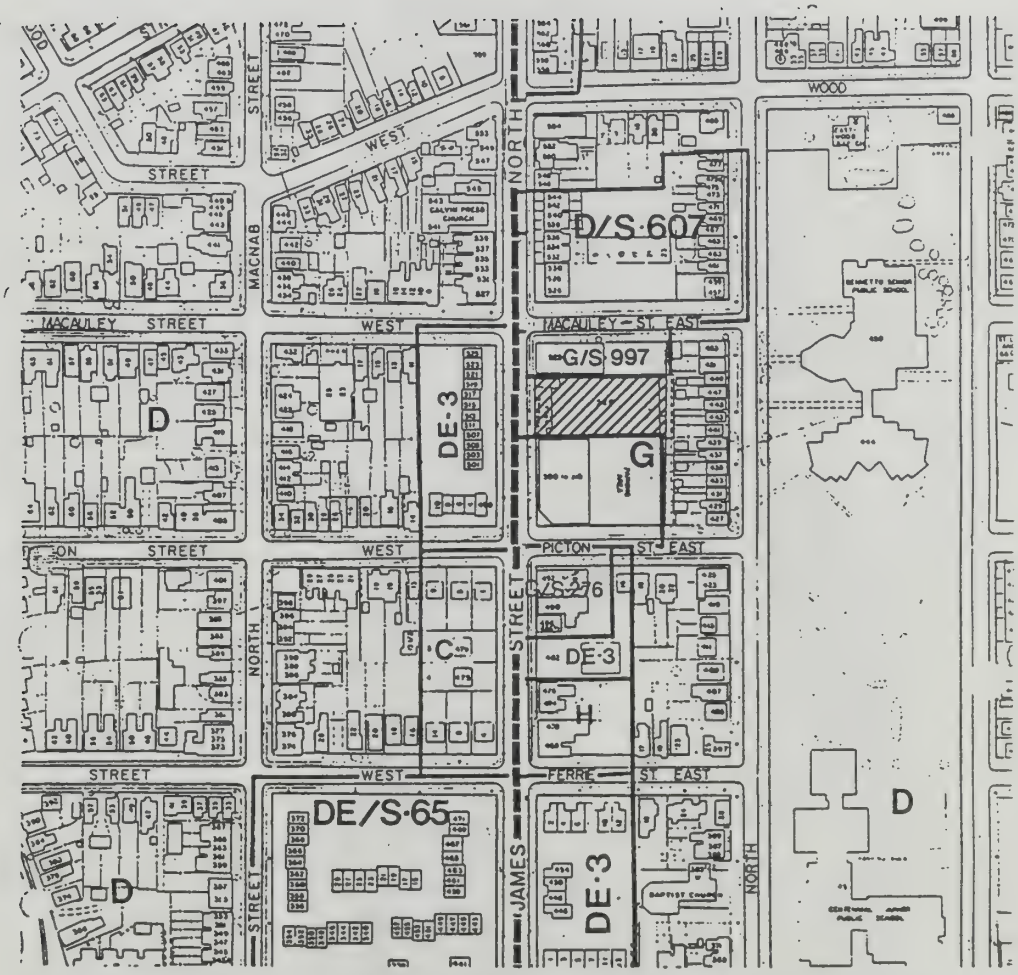
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-05
	Date	Drawn By
	FEBRUARY, 1998	R.L.

Appendix "D" as referred to in
Section 4(a) & (b) of the Planning and
Development Committee Minutes
dated 1998 April 22



Legend

Site of the Application

Reference File No.	
ZAR-97-31	
Drawn By	Date
R.L.	Sept. 1997
Scale	
Not to Scale	
North	

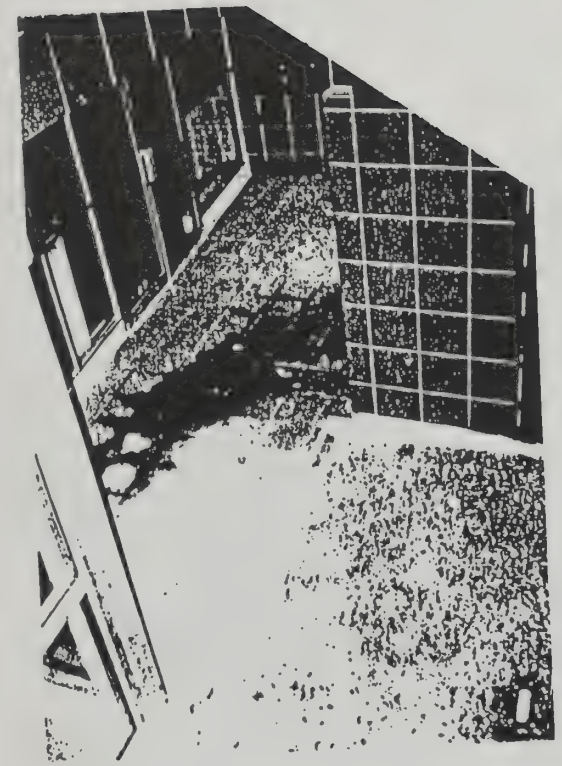
Appendix "E" as referred to in
Section 9 of the Planning
and Development Committee Minutes
dated 1998 April 22

PRELIMINARY CONCEPTUAL STUDY FOR THE
REVITALIZATION OF THE BUILDING AT
87-89 KING STREET EAST FOR THE
MUNICIPAL NON-PROFIT (HAMILTON)
HOUSING CORPORATION

RICHARD G. BUTTERWORTH ARCHITECT INC.



PRELIMINARY CONCEPTUAL STUDY FOR THE REVITALIZATION OF 87-89 KING ST EAS
HAMILTON FOR MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION
RICHARD G BUTTERWORTH ARCHITECT INC.

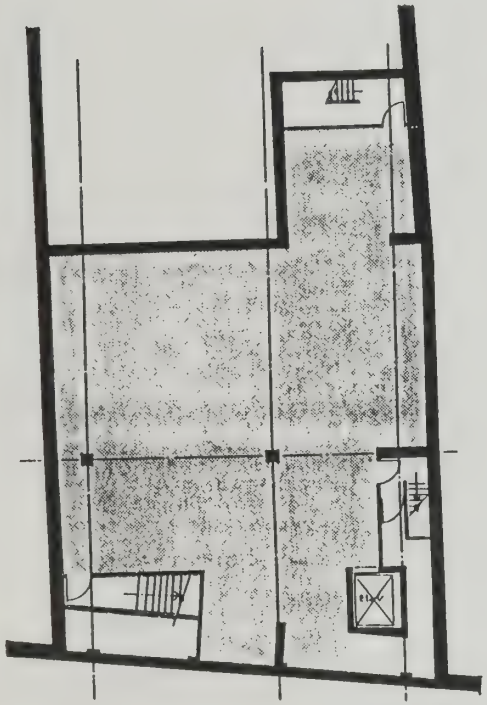


EXISTING LOWER OPEN AREA WELL

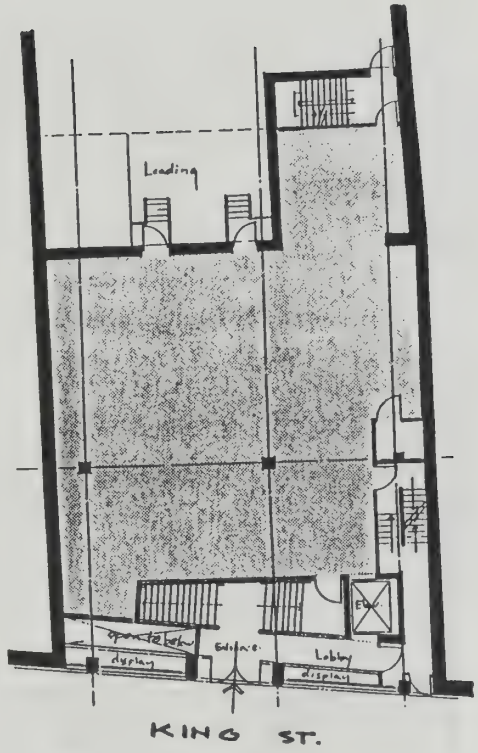


EXISTING KING STREET FACADE

PRELIMINARY CONCEPTUAL STUDY FOR THE REVITALIZATION OF 87-89 KING ST EAST
HAMILTON FOR MUNICIPAL NON PROFIT (HAMILTON) HOUSING CORPORATION
RICHARD G. BUTTERWORTH ARCHITECT INC



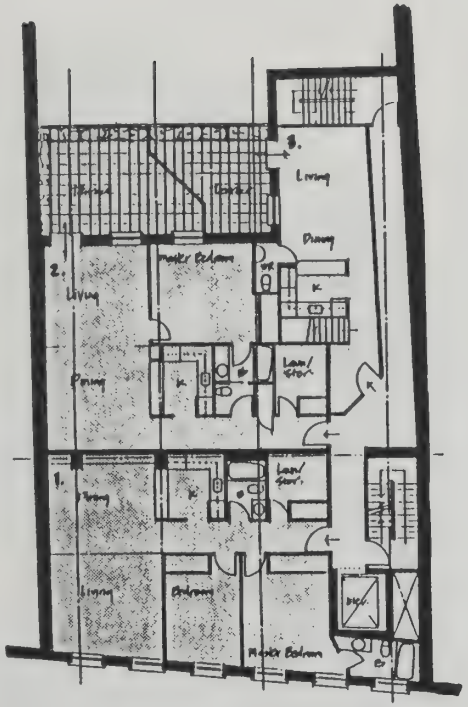
COMMERCIAL - BASEMENT | EXISTING BLDG.



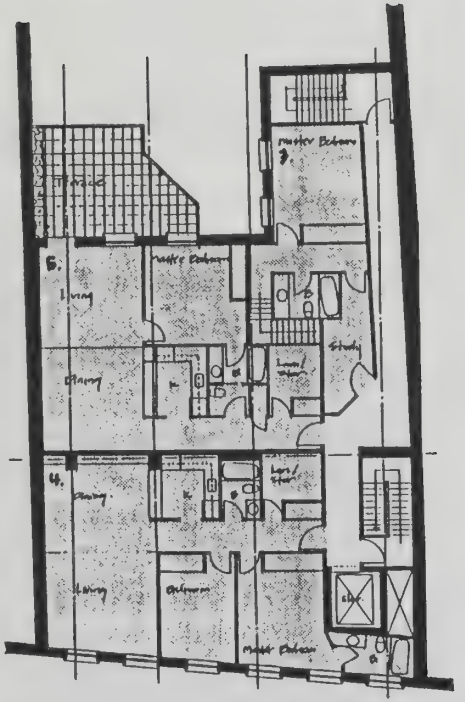
COMMERCIAL - LEVEL 1 | EXISTING BLDG.

PROPOSED

PRELIMINARY CONCEPTUAL STUDY FOR THE REVITALIZATION OF 87-89 KING ST E AS
HAMILTON FOR MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION
RICHARD G. BUTTERWORTH ARCHITECT INC.



RESIDENTIAL - LEVEL 2 | NEW ADDITION



RESIDENTIAL - LEVEL 3 | NEW ADDITION

PROPOSED

PRELIMINARY CONCEPTUAL STUDY FOR THE REVITALIZATION OF 87-89 KING ST EAST
HAMILTON FOR MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION
RICHARD G. BUTTERWORTH ARCHITECT INC.

87-89 KING STREET EAST REVITALIZATION PROJECT: A MIXED USE DEVELOPMENT

RJC D G. BUTTERWORTH ARCHITECT INC.

JULY 1987

QTY	UNIT TYPE	LOCATION	CHARACTERISTICS	UNIT AREA	TOTAL AREA
MARKET VALUE UNIT COMPOSITION (30%)					
2	2 - BEDROOM (2B1L)	NEW ADDITION	ONE LEVEL TWO BATH UNIT	113.0m²	226.0m²
2	1 - BEDROOM (2B31L)	NEW ADDITION	ONE LEVEL ONE BATH UNIT	89.0m²	178.0m²
1	1 - BEDROOM (2B3TC)	NEW ADDITION	TWO LEVEL ONE AND A HALF BATH UNIT	93.0m²	93.0m²
5					497.0m²
COMMERCIAL AND OTHER SPACE					
	COMMERCIAL LEVEL 1	EXISTING BLDG.	FLEXIBLE DEMISABLE AREAS WITH OPTIONAL VERTICAL ACCESS		220.0m²
	COMMERCIAL BASEMENT	EXISTING BLDG.	FLEXIBLE DEMISABLE AREAS WITH OPTIONAL VERTICAL ACCESS		355.0m²
	CIRCULATION & SYSTEMS	EXISTING BLDG.			225.0m²
		NEW ADDITION			126.0m²
					906.0m²
				TOTAL	1403.0m²

1998 April 14

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its SEVENTH Report for 1998 and respectfully recommends:

1. That approval be given to amended Zoning Application 98-03, 1215443 Ontario Inc. (Ontario Pride Construction/Michael Bobiash), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified, to permit the construction of 13 townhouse units and 2 semi-detached units, for the property located at No. 243 Fennell Avenue East, shown as Blocks 1 and 2 on the attached map marked as Appendix "A", on the following basis:

   (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

   Submission of a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

   Removal of the holding restriction shall be conditional upon the signed Record of Site Condition to the satisfaction of the Region and the Ministry of Environment. City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

   (b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" - 'H' (Townhouse-Maisonette - Holding) District modified; and,

   (c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 1, be modified to include the following variances as special requirements:

      (i) That notwithstanding Section 10E(2), only a maximum of one semi-detached dwelling and a townhouse dwelling having a maximum of three single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(4)(a), for a townhouse dwelling a side yard depth of not less than 4.0 metres shall be provided and maintained for the southerly lot line; and,

(iii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than three single family dwelling units shall be attached in a continuous row; and,

(d) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law 6593, applicable to Block 2, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 10E(2), only townhouse dwellings having a maximum of ten single family dwelling units shall be permitted; and,

(ii) That notwithstanding Section 10E(17)(a), for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row; and,

(e) That no pedestrian or vehicular access shall be permitted from East Eleventh Street; and,

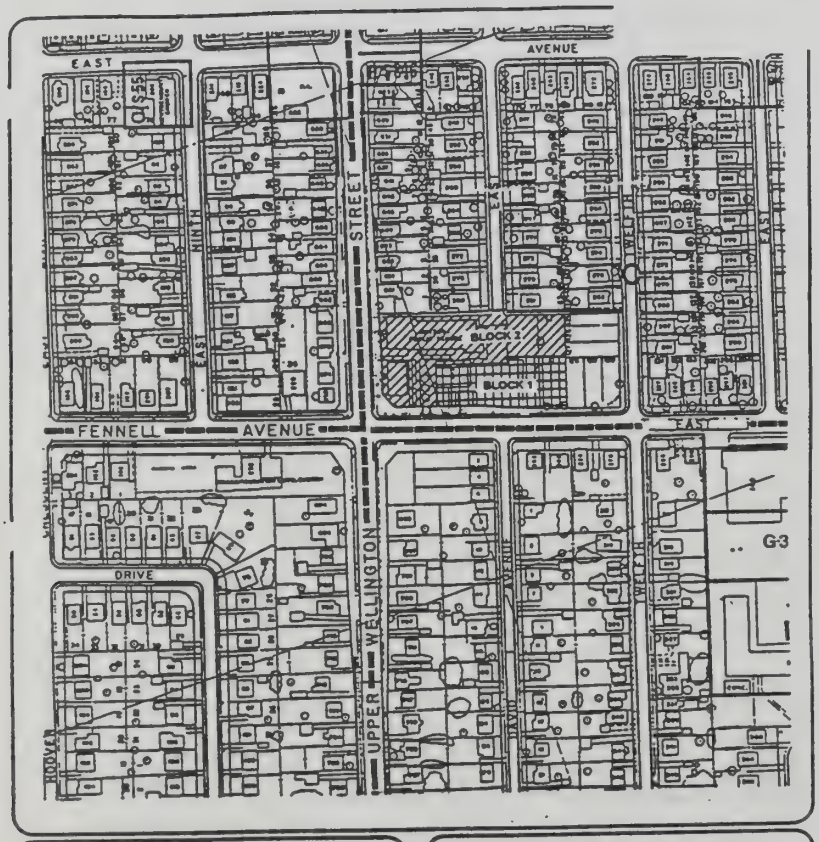
(f) That the building elevation drawings as submitted with a future Site Plan application for the subject lands be consistent with the height, scale, style, character and architectural details of the proposed dwellings shown in Appendix "B"; and,

(g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1400, and that the subject lands on Zoning District Map E-16 be notated S-1400; and,

(h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-16, for presentation to City Council; and,

(i) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Appendix "A" referred to in Section 1 of t
SEVENTH Report of the Planning a
Development Committee for 1998



Legend

Change in Zoning From:

BLOCK 1 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - "H" (Townhouse - Maisonette - Holding) District, Modified.

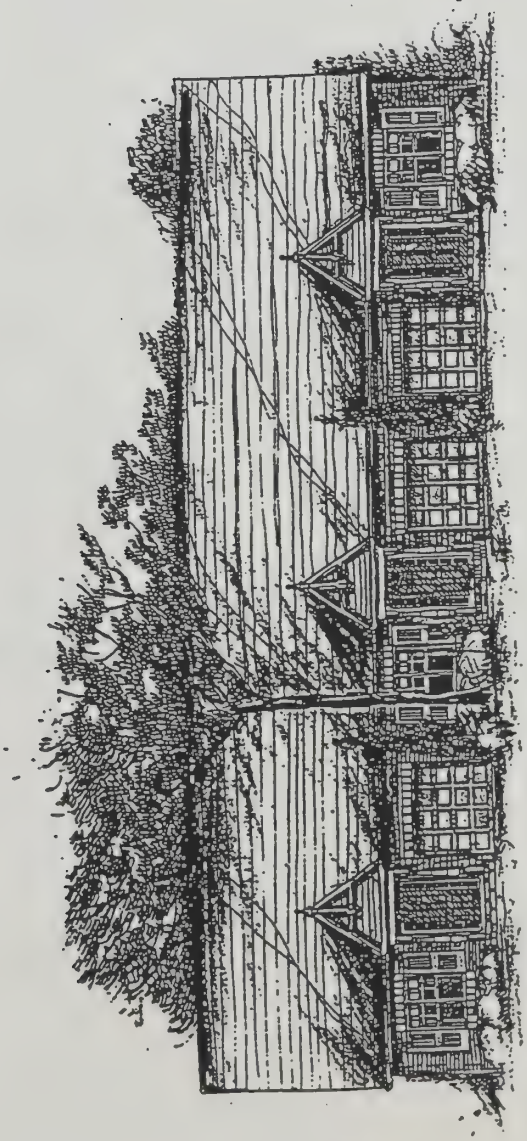
BLOCK 2 — From "C" (Urban Protected Residential, etc.) District To "RT-20" - "H" (Townhouse - Maisonette - Holding) District, Modified.

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-03
	Date	Drawn By
	March, 1998	R. L.



ONTEORA Place

B

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) -
Board of Management 1998-2000.

RECOMMENDATION:

a) That Schedule 'A' of By-law 98-118 as amended, appointing the Barton Village B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'A'

Alderman B. Morelli
Alderman D. Haining
Alderman A. Horwath
Alderman R. Corsini

b) That the City Solicitor be authorized and directed to amend Schedule 'A' of By-law 98-118 pursuant to (1) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The Barton Village B.I.A. recently expanded its boundaries to include the north side of Barton Street East between Wellington Street North and Ferguson Avenue North. Consequently the geographic boundaries of the B.I.A. now fall within both Wards Two and Three.

DL:HM:hm
P&DBar.Ald

c.c. John Howard, Chairman
Barton Village B.I.A.

Patrice Noé Johnson
City Solicitor
Attn: Art Zuidema, Solicitor

C.

CITY OF HAMILTON

- RECOMMENDATION -

APR 28 1998

DATE: 1998 April 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L. C. King, P.Eng.,
Building Commissioner

SUBJECT: Gore Heritage 2000 Program
54 King St E (98.2.4.2.1.A, 98.2.14)

RECOMMENDATION:

(a) That a grant under the Gore Heritage 2000 Program in the amount of $20,000 to Fortunata Rosalia Cotroneo and Susy Anna Cotroneo, registered owners of 54 King Street East be approved for facade improvements; and,

(b) That in respect of the stone masonry conservation work, the repairs only be funded if the repairs have been made by a contractor who has an approved Regional Trade Licence.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A Capital Budget of $200,000 for the Gore Heritage 2000 Program was approved by City Council on 1997 March 18. Approval of a grant of $20,000 will result in a net balance of $137,872 in the program account.

BACKGROUND:

The Gore Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located on the Gore between James and Catherine Streets with the restoration and improvement of their street facades.

.../2

Buildings with a frontage of up to 50 feet are eligible to receive one matching grant, to a maximum of $20,000; those with a frontage exceeding 50 feet are eligible to receive one additional grant (max. $20,000). Buildings designated under the Ontario Heritage Act are eligible to receive an additional $5,000 matching grant.

The owners have applied under the terms of the above program to undertake facade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concur with this application. The scope of work for this grant application includes replacement windows and stone masonry repairs. The property at 54 King Street East is the former Bank of Nova Scotia building. It is currently occupied by the "Embassy Club".

On the basis of the foregoing, staff recommend that a grant be give under the Gore Heritage 2000 Program in the amount of $20,000.

MM/MK/dk

cc Ray Camani, Treasury Department
David Powers, Law Department
Nina Chapple, Planning Department
Mark Mascarenhas, General Manager

D1)

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1998 April 24 (PLC-96-02) Lisgar Neighbourhood	APR 2 9 1998
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee	
FROM:	V.J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. Pavelka, P.Eng. Chief Administrative Officer	
SUBJECT:	Request for Extension of Exemption from Part-Lot Control "Wisemount Estates, Phase 7" Subdivision Registered Plan No. 62M-794	

RECOMMENDATION:

(a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc., owner (A. DiSilvestro), for a 1 year extension for exemption from part-lot control for the purpose of establishing maintenance easements for Lots 5, 6, and 7, located in "Wisemount Estates, Phase 7", Registered Plan No. 62M-794, as shown on APPENDIX "A"; and,

(b) That the attached by-law, marked as APPENDIX "B", to extend the removal of part-lot control until June 1, 1999 for Lots 5, 6 and 7, Registered Plan 62M-794, "Wisemount Estates, Phase 7" plan of subdivision, be enacted by Council.

V. J. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, John Parente, Solicitor for 822827 Ontario Inc., owner, has requested a 1 year extension to Part Lot Control By-law No. 97-032 to allow for the establishment of maintenance easements in accordance with the Registered Plan of Subdivision 62M-794, "Wisemount Estates, Phase 7". The maintenance agreements will be on Lots 5, 6 and 7.

Council, at its meeting of February 24, 1997, passed By-law No. 97-032 which exempted the subject lands from part lot control until June 1, 1997. The exempting by-law was subsequently extended until June 1, 1998. The applicant, in accordance with Section 50(7.4) of the Planning Act, has requested that Council extend the exemption from part-lot control for Lots 5, 6 and 7 until dwellings are constructed on these lots and transferred to home buyers.

Location

The lands are located west of Upper Kenilworth and south of Limeridge Road and front onto Locheed Drive in the Lisgar Neighbourhood. (see Appendix "A")

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment in accordance with their consent granting authority, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister.

   During the effective time period, lands may be conveyed or easements established in the absence of any additional municipal review. Given that the applicant is proposing to establish maintenance easements on the subject lands, then the easements can be registered at any time during the effective period of the By-law, irrespective of whether or not building permits have been issued or if dwellings are under construction. In this regard, the exempting by-law should be restricted to a 1 year effective time period.

2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

3. The attached by-law to extend the exemption from "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

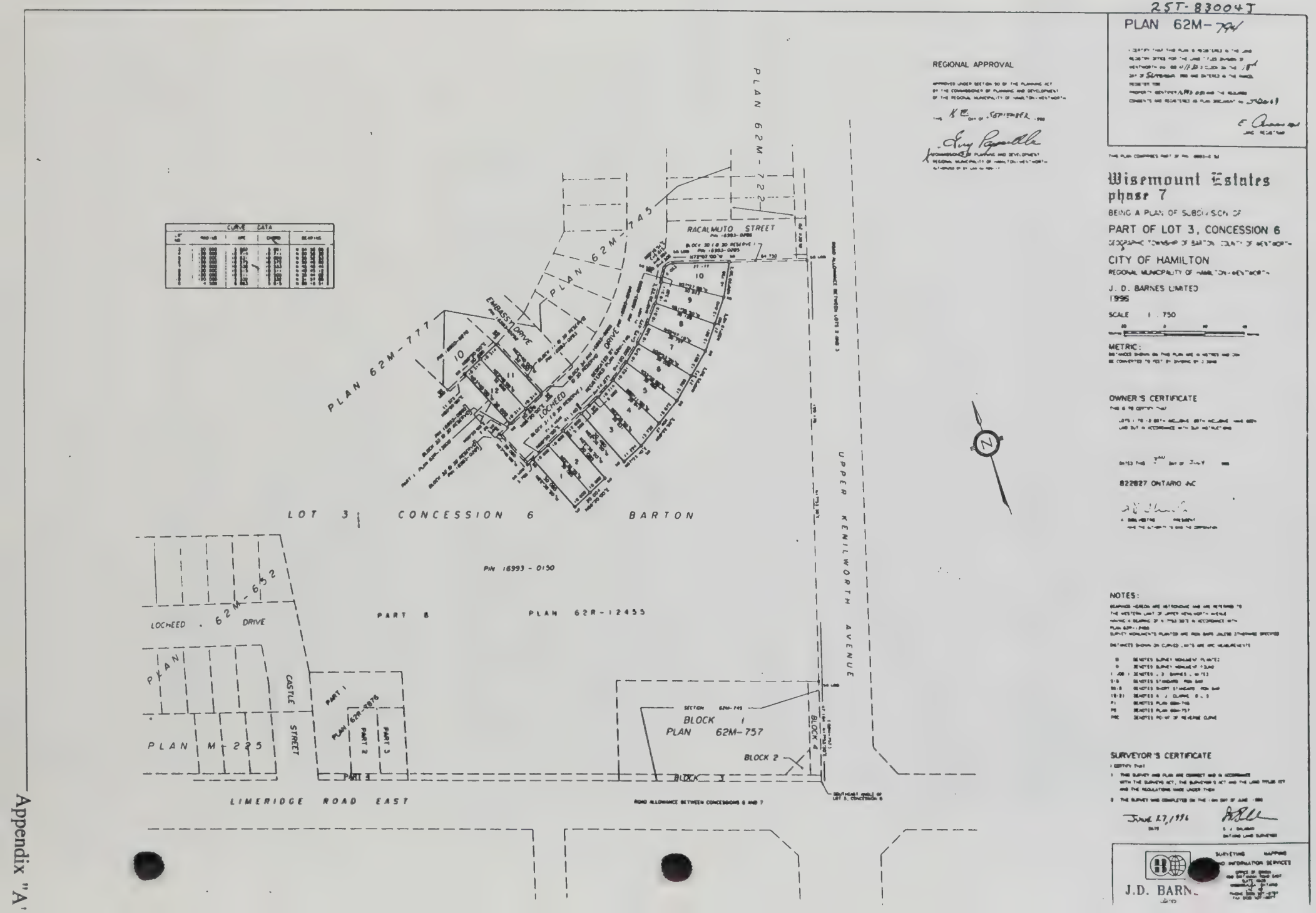
Based on the foregoing, the request for an extension for the exemption from part-lot control can be supported.

SR/sr
PLC96-02.4th

LOCHEED DRIVE

M-794

25T-83004T



Appendix "A"

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Extend By-law No. 97-032
as Amended By By-law No. 97-103

Respecting:

**LAND WITHIN THE "WISEMOUNT ESTATES, PHASE 7"
SUBDIVISION (62M-794)
PLAN 62R-13901**

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 97-032 on February 24, 1997 to remove the lands described in section 1 thereof from part lot control, which expired on June 1, 1997;

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 97-103 on May 13, 1997 to extend the time period described in Section 2(c) of By-law 97-032;

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 97-032, as amended by By-law No. 97-103, as it relates to Lots 5, 6 and 7 only;

AND WHEREAS approval under subsection (7.1) is not required for an extension in accordance with subsection (7.4);

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 97-032, as amended by By-law No. 97-103, is hereby repealed and the following substituted therefor:

> "(c) Other than Lots 5, 6, and 7, this By-law shall no longer be of any force and effect. As it relates to Lots 5, 6 and 7, this By-law shall expire on June 1, 1999."

2. Section 1. of By-law No. 97-032, as amended by By-law No. 97-103, is hereby repealed and the following substituted therefor:

> "Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating maintenance easements only, to the following lands:
>
> Lots 5, 6 and 7, within Registered Plan Number 62M-794, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

3. In all other respects, By-law No. 97-032, as amended by By-law No. 97-103 is hereby confirmed, unchanged.

4. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 97-032.

PASSED this day of A.D. 1998.

CITY CLERK MAYOR

D ii)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 9 1998

DATE: April 23 1998
CDM-98-01
St. Clair Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Condominium by Luft Enterprises Inc. for 630 - 636 Main Street East

RECOMMENDATION:

(1) That approval be given to application CDM-98-01 (Regional File 25CDM-98001), Luft Enterprises Inc., applicant, to establish a draft plan of condominium, located at the south-west corner of Main Street East and Burris Street, and known municipally as 630-636 Main Street East, as shown on the attached map marked as APPENDIX "A", to provide for a condominium comprised of a total of 6 residential apartment units and 4 commercial units within the existing two storey building, subject to the following conditions:

i) That this approval apply to the attached draft plan prepared by R. Avis Surveying Inc. and certified by R. Avis, O.L.S., dated December 5, 1997, showing a total of 6 residential apartment units and 4 commercial units within an existing two storey building, and revised as shown in red.

ii) That a minimum of 7 parking spaces shall be identified as common area on the final plan.

iii) That the owner enter into an encroachment agreement with the City of Hamilton for the existing concrete window wells which encroach into the Burris Street road allowance, to the satisfaction of the Manager of Development, Development Engineering Section, Regional Environment Department.

iv) That prior to approval of the final plan:

1) Property taxes shall be in good standing.

2) The owner shall make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for in the Planning Act.

3) That any variances required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593.

v) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(2) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:	**Applicant:**	**Surveyor:**
D. Vranich	Luft Enterprises, Inc.	R. Avis, O.L.S., R. Avis Surveying Inc.

Location:

The lands, comprising 1,215.5 m^2, known municipally as 630 - 636 Main Street East, are located at the south west corner of Main Street East and Burris Street, in the St. Clair Neighbourhood (see APPENDIX "A").

Proposal:

There is an existing 1,296.33 m^2 (13,954 sq. ft.) two storey building upon the subject lands, which has been utilized for retail commercial purposes. The owner has received approval of a building permit to allow renovations to convert the second floor of the building for 6 residential units, under Section 19 - Residential Conversion Requirements of the Zoning By-law. The first floor of the building will be renovated to contain three commercial units for general office use. The cellar level will contain a fourth commercial office unit, a recreation/fitness area for use by the residential apartments, storage areas and utility space. Twelve parking spaces are proposed at the rear of the building, with access via an abutting alleyway. The application is for approval of a draft plan of condominium for the existing building, to contain 6 residential units and 4 commercial units (see APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area" within the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

The subject lands are designated "Commercial". The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Commercial and Apartments" in the approved St. Clair Neighbourhood Plan. The proposal complies with the Approved Neighbourhood Plan.

Zoning:

The subject lands are zoned "H" (Community Shopping and Commercial, etc.) District. The proposed commercial office uses are permitted. The second floor of the existing two storey building was converted for 6 residential dwelling units under Section 19(3) - Residential Conversion Requirements of the Zoning By-law. Parking is not required for the converted residential units.

The commercial office uses require the provision of 7 parking spaces and one 9m x 3.7m x 4.3m loading space. The plan includes the required parking spaces on site, however, no loading space is proposed. Therefore, the proposal requires a variance from the Zoning By-law to eliminate the required loading space.

Site Plan:

The "H" (Community Shopping and Commercial, etc.) District is not under Site Plan Control. Therefore, there is no Site Plan agreement affecting the lands.

COMMENTS FROM CIRCULATION:

The following agencies had no comments or objection:

The Department of Public Works and Traffic advised that:

> "We recommend that the parking area be modified, as shown on the attached plan, to provide improved manoeuvring for parking spaces adjacent to the alley and parking spaces shown as Unit 13 and 14. This modification will eliminate the parking space shown as Unit 15 since adequate manoeuvring will not be available adjacent to that space. This will reduce the total parking to be provided to 11 spaces which may not be sufficient to meet the current by-law requirements for the commercial floor area of the building."

The Building Department advised that:

"1. Six (6) residential dwelling units are permitted. The second floor was converted under Section 19(3) of the Zoning By-law.

2. Parking for the residential units is not required under Section 19(3), conversions of the Zoning By-law.

3. Location of the building appears to conform.

4. No dimensions shown to determine total gross floor area of the commercial area for parking purposes.

5. No dimensions shown to determine compliance of the parking area.

6. No final inspection done on the residential units. Building Permit No. BZ 97-0829 dated June 3, 1997."

Upon the submission of additional information, the following additional comments were submitted by the Building Department:

"1. Previous comments 1, 2 and 3 remain the same.

2. Building Permit BZ-987-0829 has now been finalized.

3. Assuming that the lower floor is a cellar not a basement, seven (7) parking spaces and one (1) loading space measuring 9.0m x 3.7m x 4.3m in size is required."

The Regional Environment Department advised that:

"Recommendations:

1. That the owner enter into an encroachment agreement with the City of Hamilton for the existing concrete window wells which encroach into the Burris Street road allowance.

Information:

1. There is an existing Municipal sewer available to service this development directly.

2. There is an existing Municipal watermain adjacent to this development to service these lands directly.

3. The final plan fronts onto a Regional Road. However, there are no road widenings required by the Region in connection with this development.

4. There is no Municipal share of services to be installed for this development.

5. As a condition of approval we recommend that the applicant/owner enter into an encroachment agreement with the City of Hamilton for the existing concrete window wells which encroach into the Burris Street road allowance. The applicant should contact Mr. Vince Zingaro of this Office at 546-2808 for more information on this matter.

6. According to our records the alley to the rear of the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the rear of the subject lands from the alley.

The submitted plan, as prepared by R. Avis Surveying Inc., is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the approved St. Clair Neighbourhood Plan.

3. The proposal requires a variance to the "H" (Community Shopping and Commercial, etc.)

District regulations of the City of Hamilton Zoning By-law No. 6593, to eliminate the one required loading space. Consequently, as a condition of approval, the applicant should be required to receive final approval of the necessary variance.

The building has been used for many years for commercial purposes without the provision of a loading space. Furthermore, the second floor of the building has been converted from commercial space to residential, reducing the total commercial floor area. Based on the foregoing, the variance can be supported.

4. The proposed parking spaces are identified on the original plan as parking units 4 to 15 on Level 1 (see APPENDIX "B"). This indicates that the parking spaces would be registered as exclusive use areas, for use by specific commercial or residential units. However, at least 7 of the parking spaces should be available for general use by the public for the commercial office uses, to ensure compliance with the intent of the Zoning By-law. Therefore, as a condition of approval, a minimum of 7 parking spaces should be identified as common area on the final plan. The remaining spaces can be identified as exclusive use units.

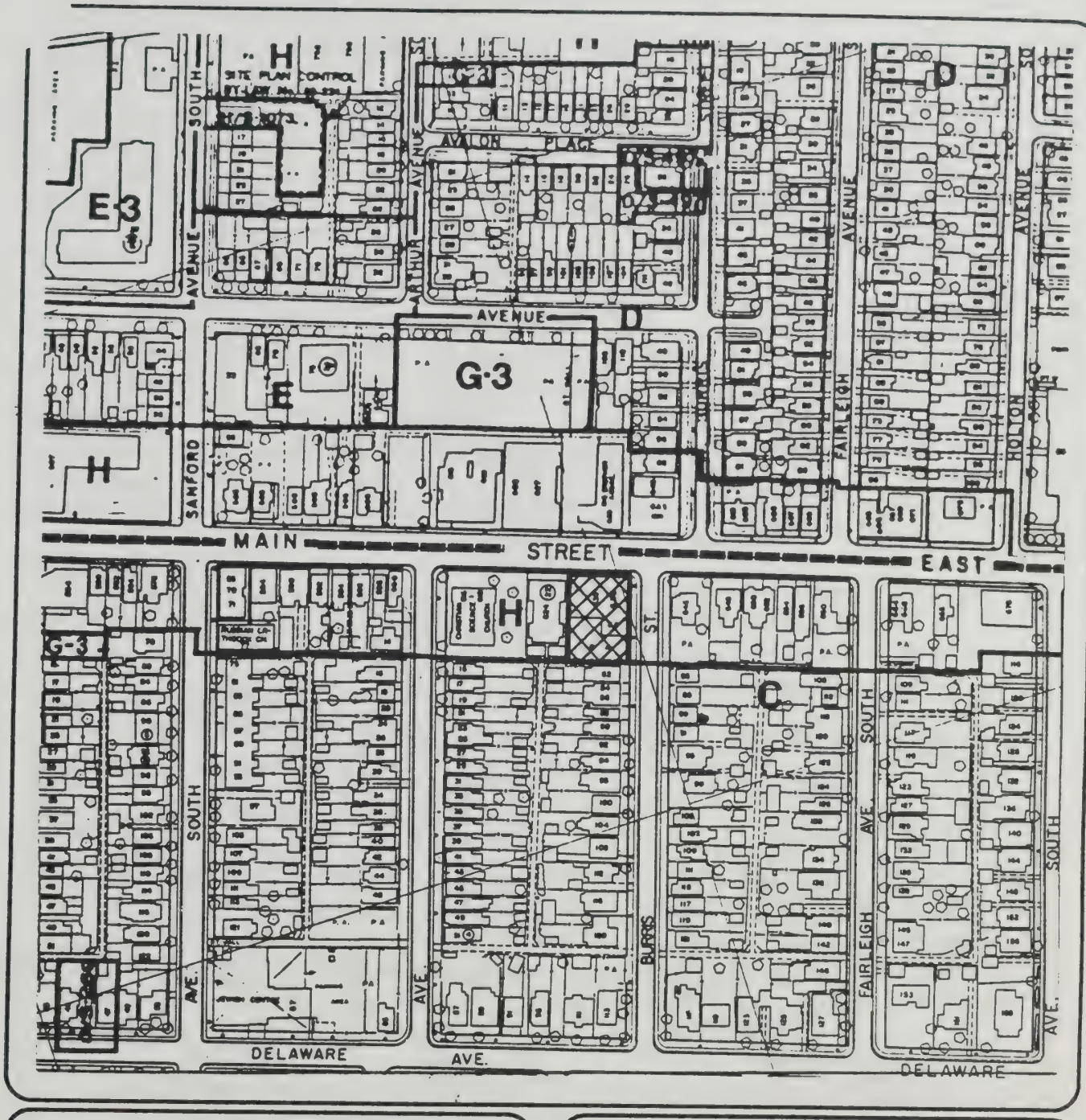
5. The Traffic Division has recommended changes to the parking area to improve manoeuvrability. The revisions include the deletion of the three parking spaces shown as units 13, 14 and 15. These parking spaces will be replaced with new two spaces on the north side of the parking space labelled unit 12. The changes will result in a reduction of the total number of parking spaces from 12 to 11. However, as noted previously, only 7 parking spaces are required. Accordingly, the changes to the parking area are recommended as redline revisions, as shown on APPENDIX "B".

6. As a condition of condominium approval, it is generally recommended that the applicant be required to entre into a condominium approval agreement, prior to the registration of the condominium. The agreement is similar to a subdivision agreement, and is used to impose and enforce conditions of approval, such as assumption of a Site Plan agreement by the condominium corporation, and payment of any financial requirements. However, the subject lands are located in a developed area, there are no servicing issues, and the subject lands are not under Site Plan Control. Furthermore, the only financial requirements are 5 % cash in lieu of parkland dedication, and that property taxes be in good standing. Accordingly, a condominium approval agreement is not warranted.

CONCLUSIONS:

On the basis of the forgoing, the proposed plan of condominium can be supported.

CL-M



Legend

Site of the Application

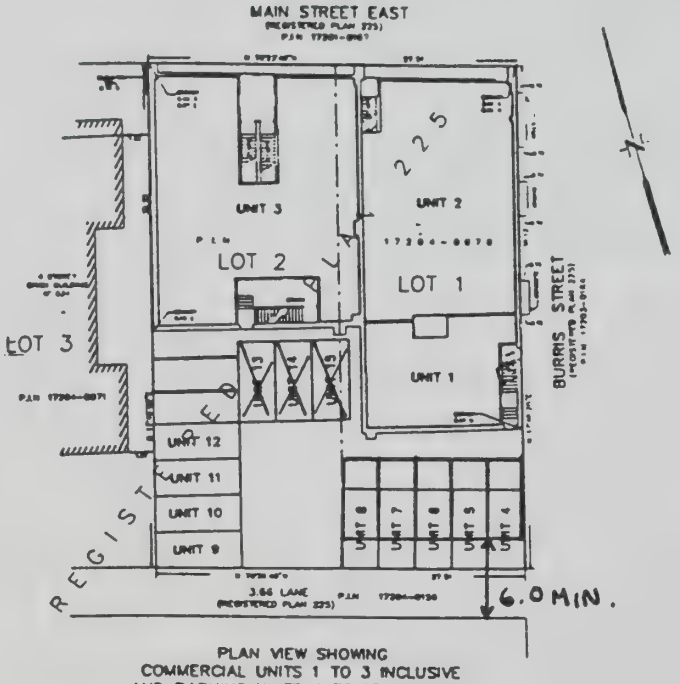
City of Hamilton

Location Map

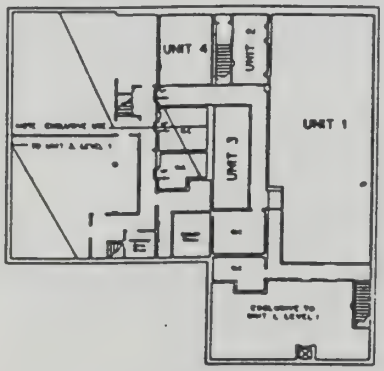
Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	CDM-98-01
	Date	Drawn By
	APRIL, 1998	B.B.

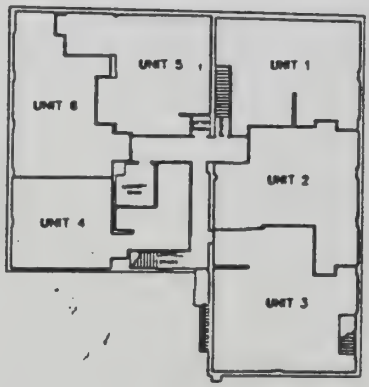
APPENDIX A



PLAN VIEW SHOWING
COMMERCIAL UNITS 1 TO 3 INCLUSIVE
AND PARKING UNITS 4 TO 15 INCLUSIVE
ON LEVEL 1



PLAN VIEW SHOWING
COMMERCIAL UNIT 1
AND STORAGE UNITS 2 TO 4 INCLUSIVE
ON LEVEL A



PLAN VIEW SHOWING
UNITS 1 TO 6 INCLUSIVE
ON LEVEL 2



REPRESENTATIVE SECTION SHOWING THE
RELATIONSHIP OF LEVELS

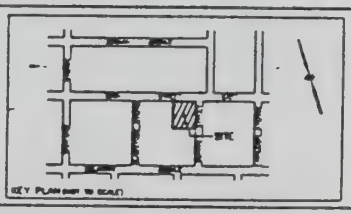
DRAFT PLAN OF CONDOMINIUM OF

LOTS 1 AND 2
REGISTERED PLAN 225
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

SCALE 1 : 200

R. AVIS SURVEYING INC. 1997

METRIC:



PLANNING ACT INFORMATION (Section 51 (2))

NOTES AND LEGEND

SITE STATISTICS

UNITS = 11, MAXIMUM
OF 4 TO BE EXCLUSIVE USE.
MINIMUM OF 7 TO BE
COMMON USE

OWNER'S CERTIFICATE

OWNER: 1167827 ONTARIO LIMITED

Dec 3/97
DATE

SURVEYOR'S CERTIFICATE

DECEMBER 3, 1997
DATE

R. AVIS SURVEYING INC.

APPENDIX B

D iii)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 9 1998

DATE: 1998 April 28
CDM-98-02
East Mountain Industrial District
(Hannon North)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Condominium by 829030 Ontario Ltd. (Gordon Albini) for 16 Harlowe Road

RECOMMENDATION:

(1) That approval be given to application CDM-98-02 (Regional File 25CDM-980003), 829030 Ontario Ltd. (Gordon Albini), owner, to establish a draft plan of condominium, located at the south east corner of Harlowe Road and Anchor Road, and known municipally as 16 Harlowe Road, as shown on the attached map marked as APPENDIX "A", to provide for a condominium comprised of a total of 5 industrial units within the existing one storey building, subject to the following conditions:

i) That this approval apply to the attached draft plan prepared by Bryan Jacobs, O.L.S., dated February 23, 1998, showing a total of 5 industrial units within an existing one storey building.

ii) That the applicant be required to enter into a Site Plan Agreement with the City and that the Condominium Corporation be required to enter into and register on title (prior to the sale of any unit) the Agreement of the Condominium corporation to assume and be bound by the Site Plan Agreement.

iii) That the applicant enter into a Condominium Approval Agreement with the City

incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor.

iv) That the owner remove the existing landscape boulders from within the existing road allowance adjacent to the site, or that the owner enter into an Encroachment Agreement with the City of Hamilton to the satisfaction of the Commissioner of Regional Transportation Department.

v) That prior to approval of the final plan:

1) Property taxes shall be in good standing.

2) That any variances required in respect to the draft plan of condominium shall receive receive final approval by the Committee of Adjustment, in order that the draft plan of condominium is in compliance with the General Zoning By-law No. 6593.

3) That the applicant apply for and receive approval of a revised Site Plan Control application for DA-90-27.

vi) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(2) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:	**Applicant:**	**Surveyor:**
829030 Ontario Ltd. (Gordon Albini)	same	Bryan Jacobs, O.L.S., Consoli & Jacobs

Location:

The lands, comprising 4512.0 m^2, known municipally as 16 Harlowe Road, are located at the south east corner of Harlowe Road and Anchor Road in the East Mountain Industrial Business Park (Hannon North) (see APPENDIX "A" attached).

Previous Applications:

The applicant received approval for Site Plan Control Application DA-90-27 on June 8, 1990, for a 1224.5 m^2 industrial building with 28 parking spaces.

On January 21, 1998, the applicant received approval from the Committee of Adjustment to permit the erection of a 202 m^2 (2174.38 square foot) addition to the south of the building notwithstanding that the building will have a setback of at least 13 m (42.65 feet) to the abutting "A" (Conservation, Open Space and Recreation) District lands together with a 7 m (22.96 feet) wide landscape area in lieu of a required 13.5 m (44.3 feet) wide landscaped area and setback. In a letter dated April 9, 1998, the agent has advised that the applicant no longer wishes to pursue the construction of the proposed addition.

Proposal:

The applicant is proposing to convert the existing 1245.1 m^2 (13,402.83 square feet) one storey building currently with 5 rental units, to 5 condominium units with 27 parking spaces to be used for industrial purposes.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area - Business Parks" within the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

The subject lands are designated "Industrial" in the City of Hamilton Official Plan. The proposal complies with the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Restricted Industrial/Commercial" in the East Mountain Industrial Business Park (Hannon North) approved plan. The proposal complies with the approved plan.

Zoning:

The subject lands are zoned "M-13" (Prestige Industrial) District. The proposed industrial uses are permitted. It is noted in the Building Department's comments that the building is not constructed in accordance with the approved Site Plan and, as a consequence requires a number of variances to the zoning by-law for landscaped areas and parking.

Site Plan:

The "M-13" (Prestige Industrial) District is subject to Site Plan Control. As noted previously, there is an approved Site Plan Control application DA-90-27 approved on June 8, 1990. The Building Department has noted that the building has not been constructed in accordance with the approved Site Plan, and an application and approval to revise that plan is required.

COMMENTS FROM CIRCULATION:

- The Hamilton Region Conservation Authority and the Department of Public Works and Traffic have no comment or objection.

- The Building Department advises:

"1. The plan submitted does not conform with the plans as approved under Site Plan Control Application DA-90-27.

2. The landscaped area adjacent to Anchor road should be 6.0m in width.

3. The landscaped area at the corner should also be 6.0m in width.

4. The open space area adjacent to the southerly lot line and "A" District should be 13.50m in width.

5. Based on the floor area provided (i.e. 1245.1 sq.m.) the parking provided is sufficient for commercial uses. However, the number of parking spaces provided (i.e. 27) is insufficient for industrial uses.

6. Our records indicate that a mezzanine level is located in one or more units. No plans provided showing the floor area of the mezzanine to determine compliance with respect to parking.

7. Our records indicate that the Committee of Adjustment approved application A-97:309 for an addition of 202m^2 to the south of the existing building with a setback of 13m from the "A" District and that the required 13.5m wide landscaped

area will be reduced to 7.0m."

- The Regional Environment Department advises:

"Recommendations:

1. That the owner remove the existing landscape boulders from within the existing road allowance adjacent to the site, or that the owner enter into an Encroachment Agreement with the City of Hamilton to the satisfaction of the Commissioner of Regional Transportation Department.

Information:

1. A site inspection has revealed that the existing grading is satisfactory to our Department.

2. According to our records, there are existing landscape boulders intermittently place adjacent to the site within the Harlowe Road and Anchor Road allowance limits which contravenes the City of Hamilton Streets By-law. The owner will be required to remove the existing boulders or enter into an Encroachment Agreement with the City of Hamilton and relocate the boulders to a location approved by staff.

The submitted plan, as prepared by Bryan Jacobs, O.L.S. and dated February 23, 1998 is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the approved East Mountain Industrial District Plan (Hannon North).

3. The building was constructed such it is located approximately 1 m west of where it was proposed in the approved Site Plan. This caused the required landscape areas on the west and southerly property lines to be out by approximately 1 m. In addition, the building, as constructed, is 1245.1 m^2 (13,402.6 square feet). This is an increase of approximately 20.6 m^2 (221.7 square feet). This increase in floor area will cause a short fall in required parking and necessitate a variance to the by-law.

   Based on the foregoing, the proposal requires approval of a number of variances to the "M-13" (Prestige Industrial) District regulations of the City of Hamilton Zoning By-law No. 6593, regarding landscape areas and parking. Consequently, as a condition of

approval, the applicant should be required to receive final approval of the necessary variances.

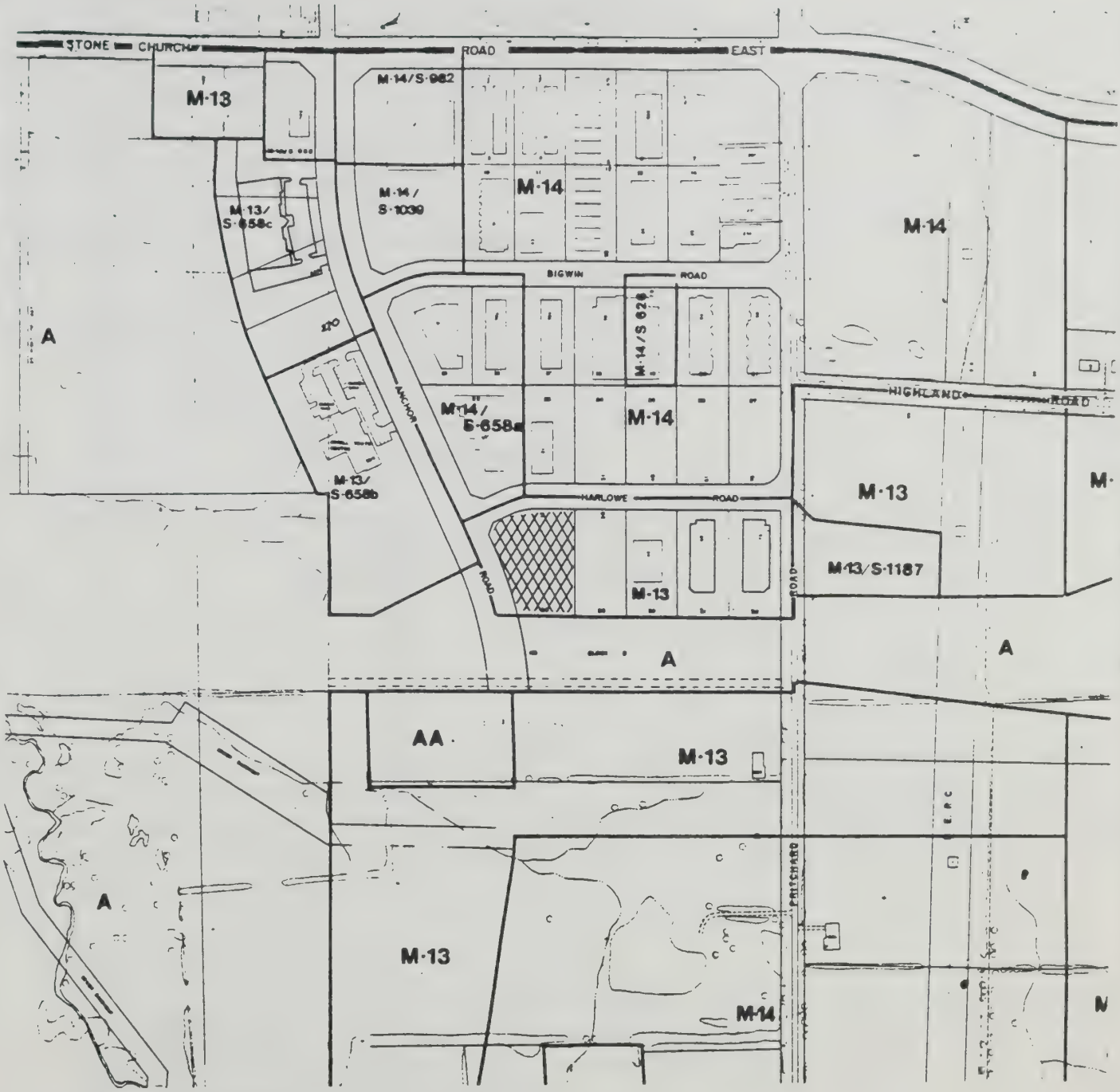
In addition, given the discrepancies with the approved Site Plan noted above, the applicant will also be required, as a condition of approval, to apply for and receive approval of a revised Site Plan.

4. The Regional Environment Department notes there are a number of landscape boulders presently located on the road allowances of both Harlowe and Anchor Roads. As a condition of approval, the applicant will have to remove these boulders or enter into an Encroachment Agreement with the City of Hamilton.

CONCLUSION:

On the basis of the foregoing, the proposed plan of condominium can be supported.

CFL/
CDM-98-02



City of Hamilton

Location Plan For

16 Harlowe Road

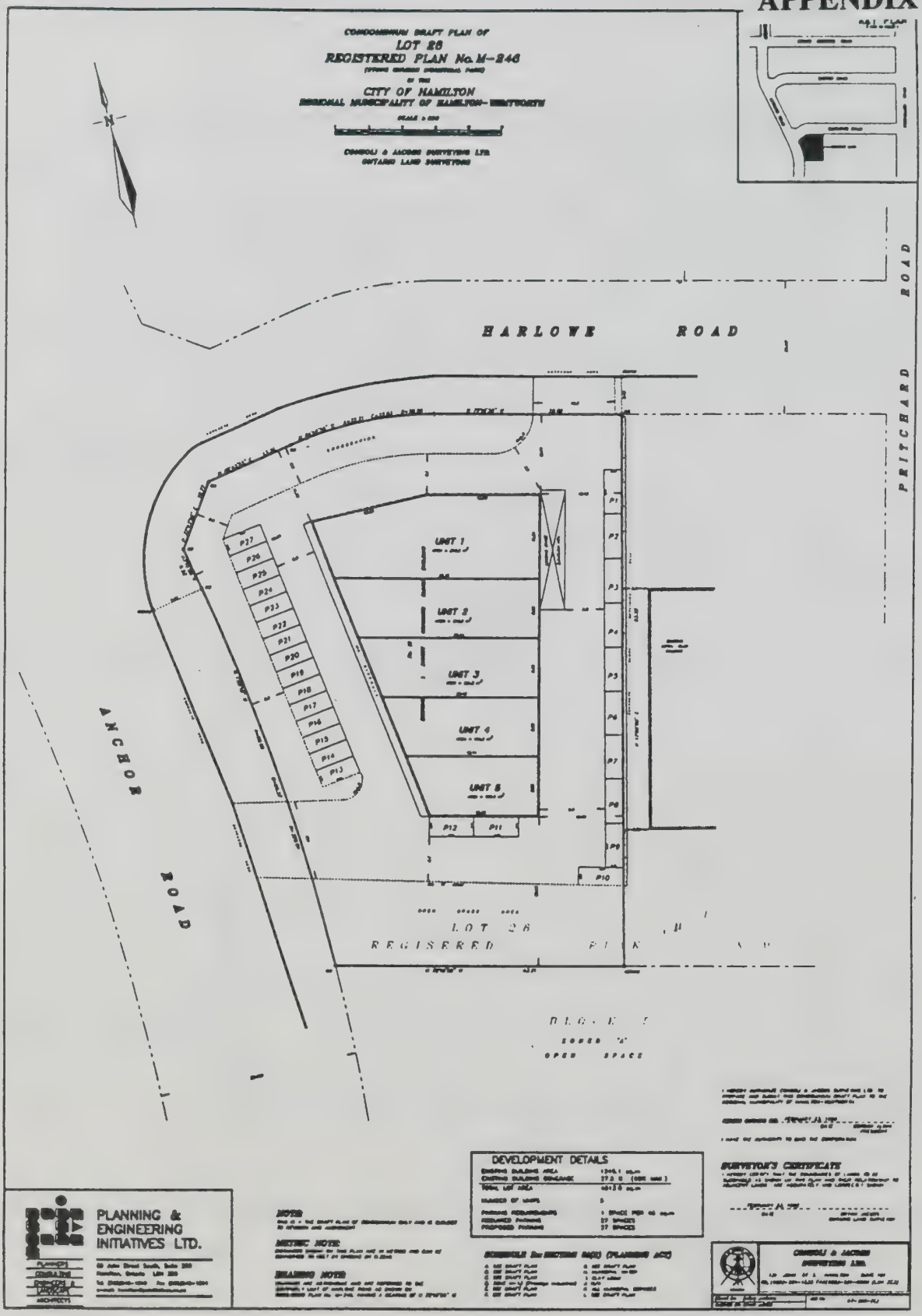
Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM-98-02
	Date	Drawn By
	April 1998	FAB

APPENDIX "B"



25CDM-98003

Div)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 23, 1998
DA-95-21

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a one (1) year extension for the approval of Site Plan Control Application DA-95-21 for an addition to the existing development for St. Peter's Hospital, 88 Maplewood Avenue

RECOMMENDATION:

That approval be given to the request by St. Peter's Hospital, owner, at 88 Maplewood Avenue, as shown on the attached map marked as Appendix "A", for an extension to the approval of Site Plan Control Application DA-95-21 to May 30, 1999, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

EXPLANATORY NOTE:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a Building Permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. The approval of DA-95-21 will cease on May 30, 1998. The St. Peter's Hospital has requested an extension of this time limit and has indicated that a one (1) year extension would be sufficient.

V. J. Abraham

J. Pavelka

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Site Plan Control Application DA-95-21 received approval on May 30, 1996. The site plan approval deals primarily with the replacement of the south wing of the hospital facility. However, to date, no building permit has been issued.

The applicant has indicated that the provincial Health Services Restructuring Commission (HSRC) has been touring the province studying and restructuring hospital services in selected regions. Last fall the HSRC released its interim Report on the Hamilton Region recommending, among other things, that St. Peter's Hospital be closed but that the facility be reconfigured for long term (nursing homes) care. This led to a coordinated response from St. Peter's Hospital, the Hamilton Health Sciences Corporation and the Region of Hamilton-Wentworth on the provision of chronic and long term care services to the Region. This proposal is currently before the HSRC for consideration. A final decision by the HSRC is expected in late spring or early summer. In light of the uncertainty, they are requesting that the City extend the approval for another year; that is, until May 30, 1999.

There are no changes proposed to the approved plans and drawings. Furthermore, the Law Department has verbally advised that they have no concerns respecting the extension.

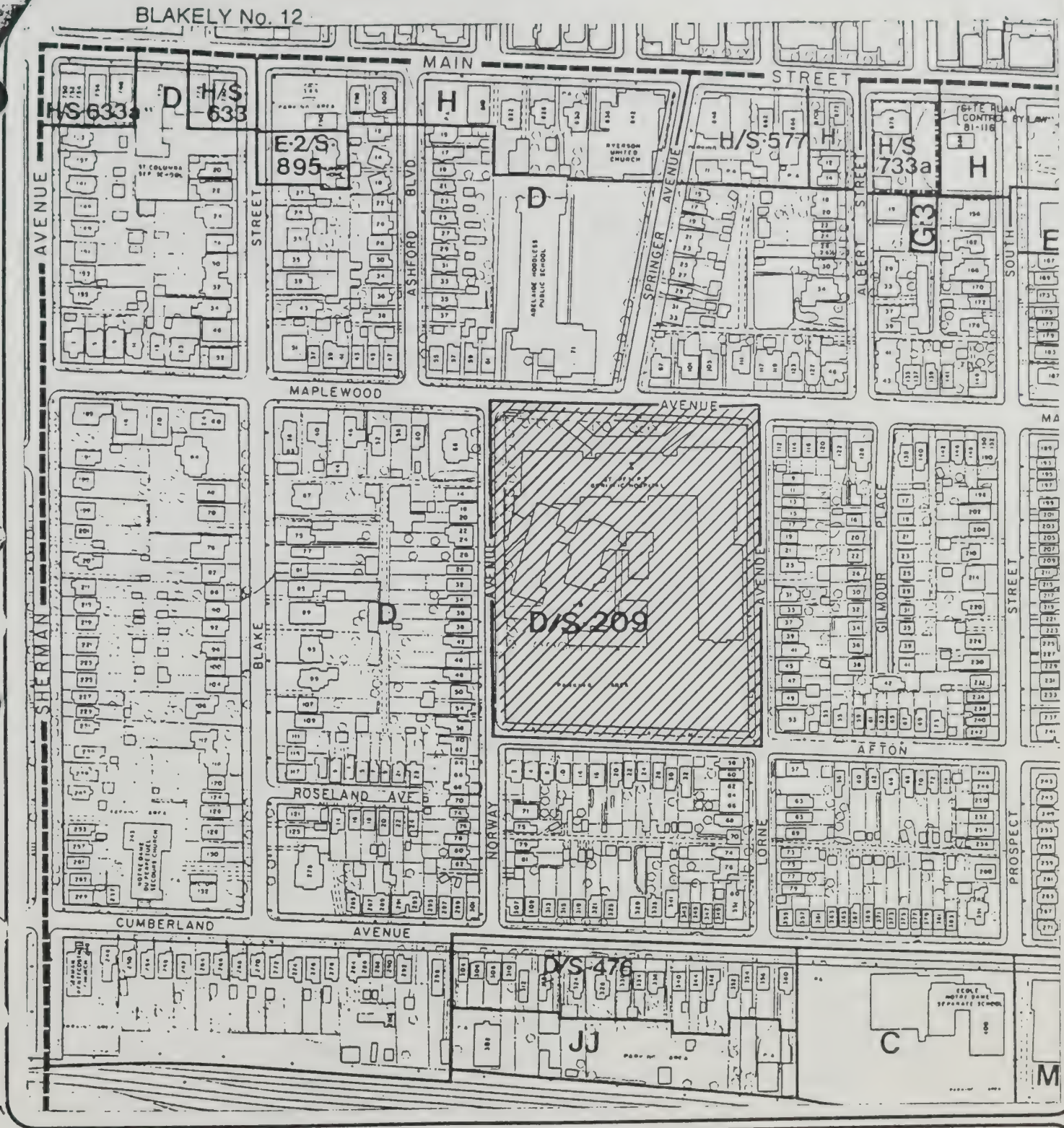
COMMENTS:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part, or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. City Council approval is therefore required to modify the time frame. Since no changes are proposed to the approved application, it is recommended that a one (1) year extension be granted.

At the end of this one (1) year period, if no Building Permit has been issued, it is recommended that a new application be submitted for the approval of development plans.

JL\mm

APPENDIX "A"



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-95-21

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-95-21
	Date	Drawn By
	JULY 1995	D.L.

DV)

CITY OF HAMILTON

- RECOMMENDATION -

APR 29 1998

DATE: 1998 April 28
(ENV-SOIL)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Procedures for the Identification/Remediation of Potentially Contaminated Sites under the Planning Act Review Process

RECOMMENDATION:

That the following new owner acknowledgment and responsibility clauses be incorporated into the City's standard site plan agreement:

"1. (a) The Owner represents that its obligations under the Ministry of Environment and Energy "Guidelines for Use at Contaminated Sites in Ontario" (February, 1997) have been met; and,

(b) The Owner agrees to, at all times, indemnify and save the City harmless from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings made, brought against, suffered by or imposed on the City in respect of any failure by the Owner to fulfil its obligations in respect of the land described in Schedule "A" hereto under this Agreement, or at law, for soil contamination (if any) and/or remediation of such contamination."

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below

BACKGROUND:

In accordance with the Planning Act, decisions on Planning Act applications must "have regard for" protection of public health and safety, amongst other issues. One of the components of the public health and safety issues is the necessity for contaminated sites to be "restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect."

In May 1996, the Province downloaded the responsibility for the Planning Act review functions to the Region. One of the functions was the identification of potential contaminated sites. Prior to the downloading, planning applications were sent to the MOEE for their review. The review consisted of identifying potentially contaminated sites, reviewing environmental site assessment reports and approving any clean up activity that may be required.

In June 1996, the MOEE came out with a new set of Guidelines titled "Guidelines for Use at Contaminated Sites in Ontario". These Guidelines indicated that the responsibility for identifying contaminated sites is that of the owner of the land and his/her consultant. The owner must submit a Record of Site Conditions (RSC) which:

- identifies the environmental condition;
- demonstrates how the evaluation/remediation will be carried out in accordance with the Guidelines; and,
- demonstrates how the site will be cleaned up to the standard required for the proposed use.

The Region is responsible for the implementing the new Guidelines. As a result, a standard and clear set of procedures has been established aimed at ensuring the Region exercises the necessary standard of care as well as provide a consistent method of evaluating site contamination issues.

For the information of the Committee, these guidelines are guidelines only and are not considered as legislation. Therefore, it is imperative the issue of site contamination be dealt with through a legislated process such as applications under the Planning Act.

PREVIOUS COUNCIL AND PLANNING AND DEVELOPMENT COMMITTEE RECOMMENDATIONS

- Owner Acknowledgement and Responsibility Clause - Site Plan Agreements

  At its meeting of February 23, 1998, the Planning and Development Committee directed:

  > "That staff investigate and report to the next meeting of the Planning and Development Committee with regard to the clause added to the site plan agreement by the City of North York which

requires the owner, at his/her own expense, to appeal, contest, defend, or settle any action related to a lawsuit."

Having reviewed the North York clause with staff from the Law Department, the following clause is proposed to be inserted into the City's standard Site Plan Agreement:

"1. (a) The Owner represents that its obligations under the Ministry of Environment and Energy "Guidelines for Use at Contaminated Sites in Ontario" (February, 1997) have been met; and,

(b) The Owner agrees to, at all times, indemnify and save the City harmless from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings made, brought against, suffered by or imposed on the City in respect of any failure by the Owner to fulfil its obligations in respect of the land described in Schedule "A" hereto under this Agreement, or at law, for soil contamination (if any) and/or remediation of such contamination."

Hamilton's Planning Practice for Site Plan Control and Potential Site Contamination

Traditionally, Records of Site Condition have been required at the zoning, Official Plan amendments and Plans of Subdivision stages of development. If a rezoning of lands that are potentially contaminated is proposed, then the lands are placed in a 'H'(Holding) district. The 'H' symbol is then subsequently removed on the completion of a RSC to the satisfaction of the Regional Environment Department and the Ministry of the Environment.

Assuming the "H" (Community Shopping and Commercial, etc.) District is placed under Site Plan Control, a RSC may be required at the site plan stage. This requirement is because such developments will frequently not require a rezoning or official plan amendment, but may be potentially contaminated from a historical perspective.

As noted previously, owner acknowledgement and responsibility clauses are now included as part of the site plan application process. If, at that time, there are potential site contamination issues that have been identified, the Region will require the submission of a Record of Site Condition.

- Owner Acknowledgement and Responsibility Clauses - Planning Act Applications

At its meeting of March 10, 1998, City Council approved a recommendation to include the following owner acknowledgement and responsibility clauses in all Planning Act

applications.

Subsequent to this approval, a few minor amendments have been made to these clauses. The essence of the changes are:

1) to use the full legal name "Regional Municipality of Hamilton-Wentworth" rather than "Region of Hamilton-Wentworth"; and,

2) to acknowledge the owner will not sue or make claims against the Region and the City for any actions **related to the subject lands or any other lands impacted by the subject lands.**

The new clauses would read as follows (changes are shaded):

> *I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable law, laws, regulations and guidelines pertaining to contaminated sites, including, but not limited to the Ministry of Environment and Energy Guidelines for Use at Contaminated Sites (February 1997), as amended.*
>
> *I further acknowledge that neither the Regional Municipality of Hamilton-Wentworth nor the Corporation of the City of Hamilton is responsible for the identification and/or remediation of contaminated sites. I also agree, whether in or as a result of any action or proceeding for environmental clean-up of any damage or otherwise related to the subject lands or any other lands impacted by the subject lands, that I will not sue or make any claim whatsoever against The Regional Municipality of Hamilton-Wentworth, The Corporation of the City of Hamilton, their respective officers, officials, employees, or agents, or any of the foregoing, for or in respect of any loss, damage, injury or costs.*

Since these clauses have been approved by Council, the minor changes are considered housekeeping matters.

CONCLUSION:

Based on the above it would be appropriate to include a new liability clause in the site plan agreement respecting the issue of soil contamination.

JHE

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. J. Schatz
City Clerk

APR 17 1998

SUBJECT: 1998 Annual Conference of the Association of Committees of Adjustment

RECOMMENDATION:

That the Chairman of the Committee of Adjustment or his nominee and another member of the Committee of Adjustment be authorized to attend the 1998 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for four days, 1998 May 31 and 1998 June 1 - 3 in Sarnia Ontario at an expense not to exceed $900 each to be charged to account CH55201-10010, Legislative Travelling.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted conference is an educational conference of mutual benefit to all members across the province. The City of Hamilton Committee of Adjustment is scheduled to host the Conference in the year 2001.

JS/PF/dm

F.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 April 29

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Bulding Commissioner Re: Residential Rehabilitation Assistance Program - Five Year Extension of Program, dated 1998 April 22

(b) Director of Planning and Development Re: Site Plan Control Application,dated 1998 April 23

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1998

URBAN MUNICIPAL

MAY 11 1998

GOVERNMENT DOCUMENTS

REVISED

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Thursday, 1998 May 14
7:00 o'clock p.m.
Council Chambers

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. **PUBLIC MEETING**

   Official Plan Amendment-
   Rental Housing

Urban Municipal Collection
2nd Floor
Hamilton Public Library

2. **ADJOURNMENT**

PLEASE NOTE THAT THE DATE AND TIME OF THE MEETING IS AS FOLLOWS: THURSDAY MAY 14TH AT 7 P.M.

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, 1998 May 14
7:00 o'clock p.m.
Council Chambers

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. **PUBLIC MEETING**

   Official Plan Amendment-
   Rental Housing

2. **ADJOURNMENT**

Urban Municipal Collection
2nd Floor
Hamilton Public Library

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 May 7
(RHPA-GEN)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: **Proposed Official Plan Amendment - Protection of the Rental Housing Stock**

SECOND REPORT

RECOMMENDATION:

That approval be given to the proposed Official Plan Amendment to establish policies and to introduce a new Schedule for the protection of the rental housing stock, on the following basis:

i) That a new Schedule "K" - Local Market Housing Zones be added to the Official Plan;

ii) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;

iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

a) Downtown/Central Hamilton
b) Central East Hamilton
c) East Hamilton
d) West Hamilton
e) Hamilton Mountain"

iii) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, for submission to the Regional Municipality of Hamilton-Wentworth for approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under the provisions of the Planning Act, a municipality can introduce policies, through an Official Plan Amendment dealing with such matters relating to housing.

BACKGROUND:

- Planning and Development Committee Meeting

  At its meeting of April 22, 1998, the Committee tabled the application for a one month period and directed that another public meeting would be held in the evening. The reason for the tabling is that members of public wanted more time to comment on the proposal and that other people could not attend a day session of the Planning and Development Committee.

- Rental Housing Protection Act (RHPA)

  In 1986, the Province introduced the Rental Housing Protection Act. The intent of this legislation was to protect the stock of rental housing in municipalities with a population 50,000 or more. Any building which was to be converted to condominium and any building with more than 4 rental units which was to be demolished, severed, renovated, converted had to receive approval from the respective municipal Council. The Act specified the criteria under which conversion, demolition, etc. could occur. The specific criteria were as follows:

  i) the building is structurally unsound;
  ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
  iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

  The Province in previous correspondence to staff noted that "if Council decides to approve the application, Council may wish to use the provisions of Section 11(7) and 24 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

  Examples of suitable conditions that have been used in Hamilton and other municipalities included:

  - *provision of a first right of refusal to all tenants interested in purchasing their unit.*
  - *pricing of units for sale to tenants at the levels set out in the application.*
  - *provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.*
  - *conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."*

- The Repeal of the Rental Housing Protection Act

  In 1997, the Province introduced "An Act to Consolidate and Revise the Law with respect to Residential Tenancies (Tenant Protection Act)". Our understanding is that this legislation will come into effect sometime in May, 1998. The Act repeals the RHPA and contains provisions aimed at protecting tenants in buildings that are converted from rental tenure to condominium tenure.

  Accordingly, the municipality no longer has the ability to protect the stock of rental housing and the tenants through the RHPA.

- Application Process for Condominium Conversions Under the Condominium Act

  At the present time (up until the new legislation comes into effect), condominium conversion for rental residential buildings are subject to two distinct approvals:

  1) Approval by the City of Hamilton Council was required under the Rental Housing Protection Act. It is at this stage where the analysis of the impact on the supply of affordable rental units was undertaken; and,

  2) Once that approval was given, the owner could apply for the condominium under the Condominium Act. One of the conditions the City established for condominium conversions was the owner to receive a "Certificate of Approval" from the City Clerk under the RHPA. The approval authority for a Plan of Condominium within the context of the RHPA is the City of Hamilton. The approval authority for a new Plan of Condominium is the Region of Hamilton-Wentworth.

  Newer buildings that have no rental units are required to receive approval under the Condominium Act only.

  Once the new legislation is in place, the owners of rental buildings will be required to receive approval under the Condominium Act only. The Condominium Act references the regulations in the Planning Act. As part of the approval of a condominium, it has to comply with the policies in the Official Plan, zoning by-law, etc. Therefore, the impact on the supply of affordable rental housing will be done through one process - Condominium Conversion application.

WHAT OPTIONS ARE AVAILABLE TO THE MUNICIPALITY?

There are two options available to the municipality once the Rental Housing Protection Act is repealed.

- Option 1

Under this option, an Official Plan Amendment would be prepared which would incorporate criteria to deal with the impacts of conversions and demolitions on the supply of rental housing. The advantages and disadvantages are listed below:

Advantages

1) It affords the municipality some protection of the rental housing stock;

2) It provides the municipality with objective and defensible criteria to determine what impact the removal of rental units would have on both city wide and localized rental housing stock; and,

3) It informs Council on the implications of condominium conversions on the rental housing marketplace.

Disadvantages

1) The Official Plan is intended to provide clear direction and therefore, it is not a discretionary document. If the criteria are not met, then an Official Plan Amendment will be required.

- Option 2

Under this option, the municipality would not address the impact of condominium conversions and demolitions on the supply of rental housing. The conversions would be regulated through the Condominium Act only.

Advantages

1) In the case of condominium conversion, the application is undertaken in a simplified form with no planning analysis; and,

2) In the case of demolitions, the owner could apply for a demolition permit without the need for planning and rental housing market input.

Disadvantages

1) There would be no mechanism to deal with the impacts on rental housing particularly when the vacancy rate falls below 2.0% and rental housing is in shorter supply; and,

2) If the City decided to entertain an Official Plan Amendment at a later date when the rental housing stock has dwindled, it may be too late to have a balanced, competitive and healthy rental marketplace.

The preferred option is the preparation of an Official Plan Amendment.

SURVEY OF OTHER MUNICIPALITIES IN ONTARIO:

The City of Toronto conducted a survey of other municipalities within the Province to determine if they use the Official Plan and other municipal by-laws to protect the rental housing stock. APPENDIX "A" identifies the mechanisms used by 27 municipalities governing rental to condominium conversions.

In summary,

- 5 of 27 municipalities do not have policies at the present time;
- Of the 22 municipalities that have policies dealing with this issue, the following types of policies are identified:

  - 15 municipalities have specific policies in the Official Plan that require a rental vacancy rate of between 2.5% and 3.0%;
  - 2 municipalities require an analysis of the impact on the supply of affordable housing, but no specific vacancy rate is given;
  - 1 municipality requires a vacancy rate of 5.0% through their procedure manual for land use planning; and,
  - 1 municipality deals with the percentage of affordable rental housing in the community.

- 2 municipalities, through Official Plan policies require public meetings be held for conversion to condominiums and 1 municipality requires a public meeting as part of their procedure manual for land use planning;
- 3 municipalities have Official Plan policies to protect tenants and 1 municipality protects tenants through their procedure manual for land use planning;
- 1 municipality has a policy in their procedure manual for land use planning to take into account the availability of similar rental accommodation.

Overall, the majority of municipalities have policies that deal with conversion to condominium, particularly as it relates to the impact on the rental market vacancy rates. Although many municipalities use 3.0% as the target vacancy rate, these municipalities have historically had low rental vacancy rates. Staff believe a vacancy rate of between 2.0% and 3.0% is indicative of a healthy and competitive rental housing market. In this regard, a 2.0% vacancy rate is satisfactory benchmark for the City of Hamilton.

ANALYSIS OF RHPA APPLICATIONS IN THE CITY OF HAMILTON:

Since the introduction of the RHPA in 1986, the City has processed 39 applications (total 1,915 units). APPENDIX "B" identifies the number of applications and number of units subject to the RHPA by application type (i.e., demolition, condo conversion, etc.). Two-thirds of the applications were for condominium conversions.

The preceding section outlined the criteria under which Council could approve these applications. The vast majority of the applications were considered under criteria iii) - *in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.*

In June, 1995, City Council approved the criteria under which RHPA applications were to be evaluated. The impact on the supply of the rental housing was broken down into two groups as follows:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular CMHC Zone should be at least two percent (for all units).
3. The vacancy rate for the type of housing should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions of Approval May be Instituted:

1. The availability of potential alternative accommodation will be reviewed in terms of unit type and price.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Many of these applications, which met the criteria for approval, were subject to conditions established by Council. The conditions generally required the owner to provide the existing tenant with a 3 to 7 year option to purchase or lease their current unit, and the rent and purchase price were established once the tenant chose the option to purchase or lease.

ANALYSIS OF CURRENT PLANNING ACT PROVISIONS:

- Planning Act and Provincial Policy Statement

  Under Section 2(j) of The Planning Act, municipalities shall have regard for the "adequate provision of a full range of housing".

- Objectives/Basis of an Official Plan Amendment (OPA)

  The City can use the Official Plan as a means of protecting the rental housing stock. This objective can be achieved by identifying criteria under which condominium conversions and demolitions can take place. These criteria could include the following:

  1) maintaining a rental vacancy rate of at least 2.0% both in the City of Hamilton market as well as the local market zones. A vacancy rate of between 2.0% and 3.0% is considered by Canada Mortgage and Housing Corporation and City staff as indicative of a healthy, competitive rental marketplace;

  2) identifying the impact (i.e., changes to the vacancy rate, reduction in rental housing stock, etc.) of the removal of these rental units from the current housing stock; and,

  3) ensuring the rents are at or above the average of rent for the City and the localized market area by unit type (i.e., 1, 2 or 3 bedroom apartments, townhouses, etc.).

  This criteria is derived from the existing policies and procedures the City established through the RHPA legislation. It has been an effective and objective method of identifying the impact on the supply of affordable rental housing.

  It should be noted under the RHPA, severance of rental buildings, conversions to other uses (i.e., apartment hotels, residential care facilities, etc.) and renovations/repairs required approval from the municipality. These applications involved 216 units (11%) out of 1,915 of which approximately 90 units were removed from the rental housing stock. In addition, there was extensive time involved in the processing of these applications. Based on the above, it is felt these types of applications do not warrant policy direction through the Official Plan. On this basis, only condominium conversions and demolitions should be included in an Official Plan Amendment.

Two of the key evaluation criteria in reviewing condominium conversion applications are the rental vacancy rates and level of market rents in the local market area. The vacancy rates are analyzed for the 24 preceeding months so as to avoid potental statsitical discrepacies between one survey and another. CMHC data is broken down into the following zones: West End, Downtown, Central, Central East, East and Mountain. For the purposes of our analysis, it would be more appropriate to combine the Central and Downtown zones into one zone to ensure all zones are of a similar geographic size. (see APPENDIX "C")

OFFICIAL PLAN AMENDMENT:

The proposed OPA is as follows:

Amend Subsection C.7. by adding the following new policies:

C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;

iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

a) Downtown/Central Hamilton
b) Central East Hamilton
c) East Hamilton
d) West Hamilton
e) Hamilton Mountain"

WHAT WILL THE IMPACT BE FOR OWNERS WISHING TO CONVERT TO CONDOMINIUM?

APPENDIX "D" outlines the vacancy rate by dwelling type for both the City and the local market zone. Based on a two year vacancy rate, condominium conversions for apartments will not meet the criteria of the Official Plan Amendment of a 2.0% vacancy rate for Hamilton Mountain, and West Hamilton. However, it should be noted that an owner can apply to the City for an OPA and staff will evaluate each amendment on its own merits. There have been cases (under the RHPA) where the vacancy rate was less than 2.0% but staff recommended approval of the application. The circumstances surrounding the conversion of the building to condominium warranted approval of the application. Furthermore, if the City turns down the OPA, the owner has a remedy to appeal it to the Ontario Municipal Board.

There may be other situations where the rents are considerably lower than the average market rents and for this reason, conversion to condominium or demolition is not appropriate.

Overall, in the event an Official Plan Amendment is required, the conversion to condominium will be a simpler process then the process under the Rental Housing Protection Act. The City does not have to circulate the option sheets of purchase/lease to the tenants, the owner no longer has to enter into agreements with the tenants for purchase or lease of the unit, to register the agreement on the title of the land. In addition, it is expected the City will receive delegated approval of Official Plan Amendments by the end of 1998 making the time frame for processing OPAs quicker.

PUBLIC INPUT:

The Planning and Development Department contacted two groups that have a special interest in housing: Social Housing and Access Committee (i.e., comprised of representatives of Housing Help Centre, Social Planning and Research Council, Labourhood, HACTA, etc.) and Hamilton and District Apartment Association.

The Social Housing and Access Committee has advised that:

> "Thank-you for the opportunity to respond to your "Protection of Rental Housing Stock" document. The Social Housing and Access Committee (SHAC) is a coalition of housing providers, housing services, tenants, and interested citizens concerned with the provision of, and access to, housing and social housing in Hamilton-Wentworth. As you may know, SHAC is concerned that the repealing of the Rental Housing Protection Act by the provincial government will result in conversions of rental stock to condominiums, thus decreasing the availability of affordable housing stock for tenants.
>
> We support the Planning Department's recommendation that an Official Plan Amendment be prepared which will incorporate criteria for the decision-making process on the impacts of conversions and demolitions of the supply of rental housing. We feel that this would give the municipality the tools to effectively protect rental housing in areas where it is most needed.
>
> We would further recommend that the municipality set a vacancy rate of 3.0% to ensure adequate choice in supply of affordable rental housing, in their criteria for conversion or demolition. Of particular concern to us is the amount of affordable rental housing for tenants with low incomes who would be adversely affected if their units were converted to condominiums they could not afford to purchase. Therefore, we would also recommend that the 3% vacancy rate apply to levels of rent as well as to geographic areas.
>
> We believe it is the responsibility of the municipality to ensure that the region meets the housing needs of all its citizens. One of the ways this can be accomplished is through careful consideration of any requests for condominium conversions or demolition of existing housing stock.
>
> Thank-you for allowing us to comment on your thoughtful proposal."

The Hamilton and District Apartment Association has advised that:

> "For several years our association along with 12 other regional associations including our Ontario Association has been trying to convince the Provincial Governments to repeal or remove the Rental Housing Protection Act and as you know with the introduction of Bill 96 the Tenant Protection Act (TPA) this has been done, along with the repeal of additional acts including the Rent Regulations Act, the Landlord and Tenant Act, the Residential Rent Regulations Act and several other Acts that pertain to our industry.
>
> There are as we see it many advantages to our industry with the repeal of the RHPA as well as to the municipality they being, landlords who wish to convert their rental units to condominiums must work within the Condominium Act and through this Act the municipality will still have some protection of the housing stock via the Official Plan. It would also make it easier for landlords or owners of buildings to demolish or convert with much less red tape, etc. The municipality elected officials will also be informed of any such conversions through any official plan amendments.

Regarding vacancy rates in the City of Hamilton, CHMC indicates that a vacancy rate of 2% and 3% is a competitive rental market place, I would suggest that this is not quite correct, we find in our industry a 2% to 3% market place is still a very tight market place that favours landlords, the market place does not really get competitive until you reach at least a 4% average vacancy using all the areas of the city.

It is however important to note that CHMC do not survey duplexes and when you consider this item into your vacancy rate the percentage figure does increase at least 1/2%, at present we have in Hamilton a vacancy rate average of 4 1/2% as you can note by the ads in the Hamilton Spectator on any weekend there is available in excess of 600 units on the market and in some cases landlords are now giving 1st months rent free to find tenants. I can not foresee a vacancy rate dropping below 4 1/2% at any time in the future.

In Hamilton at the present time the majority of landlords do not attain the legal maximum rent and have not been able to attain the legal maximum rent for the past several years and at present we see no change in this situation due to the high vacancy rate. With a high vacancy rate you will not see any major rental units of a high rise nature being built but as in the past duplexes will continue to increase as we now have in excess of 7000 duplex units in the city.

I might also point out that tenants that are presently in rental units do have protection under the TPA as the Act will not allow landlords to evict for sale of building or conversion to condominium without proper compensation to the tenant. This will protect the present rental stock for sitting tenants.

In closing I would suggest that the City of Hamilton incorporate into their Official Plan some sort of criteria to work in conjunction with the TPA which will allow the City some input into the control of conversions so long as it does not conflict with the Tenant Protection Act."

Based on the comments received from the two housing groups, the proposed Official Plan policies indicated broad concurrence with the direction and scope of the proposed Official Plan Amendment. As stated previously, increasing the vacancy rate to 3.0% from 2.0% will not have much of an immediate effect since the existing vacancy rates throughout the City, with the exception of the west end and the mountain are above 3.0%

In addition, staff contacted the representative of the Hamilton and Halton Home Builders to set up a meeting to discuss the OPA prior to the next public meeting. To date, no meeting date has been set.

ANALYSIS OF AN ACT TO CONSOLIDATE AND REVISE THE LAW WITH RESPECT TO RESIDENTIAL TENANCIES (TENANT PROTECTION ACT):

As noted previously, the new Provincial legislation provides tenants with some protection in the event rental units are converted to condominium units and units are intended to be repaired/ renovated or demolished. Sections 53 and 54 of the Act allows for security of tenure since the Act states a tenant cannot be evicted from the unit for the sole purpose of selling the units as a condominium. Sections 55 to 59 require landlords of apartment buildings with five or more units

to compensate tenants an amount equal to 3 months rent or provide another acceptable unit in cases where the building is demolished, converted to a non-residential use, severed or requires repairs or renovations.

SUMMARY:

With the repeal of the Rental Housing Protection Act, the municipality no longer has any basis for determining how condominium conversions or demolitions of the rental housing stock will have on the supply of affordable rental housing.

In this regard, it would be appropriate to develop criteria under which the municipality can determine what impacts may result from the loss of rental units. The only planning tool for this analysis is policies in the Official Plan.

An Official Plan policy would work in conjunction with the legislation of the new Tenant Protection Act. The Official Plan policies will provide some level of protection to the hosuing stock should the vacancy rate in housing market be less than 2.0%. The Provincial legislation provides protection for the tenants.

CONCLUSION:

Based on the foregoing, it is recommended that approval be given to an Official Plan Amendment to incorporate criteria related to the conversion of rental housing units to condominiums or the demolition of rental housing units.

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LOCAL MUNICIPAL POLICIES GOVERNING RENTAL-TO-CONDOMINIUM CONVERSIONS

Municipality	*Where is the policy?*	*The policy*
Town of Ajax	Official Plan	• Required municipal approval
City of Barrie	Policy and Procedures Manual Land Use Planning 02/18/94	• 5% vacancy rate required • 2 public meetings required, with full notification
City of Brampton	City's Corporate Policy Manual Planning and Development Policies Date of Policy: 04/27/87	• Vacancy rate of 3% or greater required • Council shall take into account overall mix of housing types in the City • Council shall take into account the impact of the conversion on the availability of similar rental accommodation • Council shall take into account the impact of conversion on tenants and the potential for displacement
City of Brantford	None	• Intending to rely on PA, but also develop own policies
City of Cambridge	Official Plan, 1998 Section 9.1.6	• The assessment of the potential effects of conversion including: • Vacancy rate of 3% to indicate an adequate supply of rental housing • Assessment of the no. of new rental units becoming or having become available in the past 12 months • Following conditions must be met: • A public meeting has been held, to which both the owner and all tenants were invited • Tenants have the option to continue leasing their unit for a minimum of one year following conversion
City of Etobicoke	Official Plan Section 2.2.13	• Council will not permit conversion unless the overall vacancy rate exceeds 2%
City of Gloucester	Official Plan Section 6.5.3	• Conversion will be approved only when the vacancy rate exceeds 3% for two successive surveys
City of Guelph	Official Plan Section 3.4.9 - 3.4.10	• Municipality will discourage the conversion of existing rental units when the vacancy rate for rental accommodation is below 3% • Municipality will prohibit conversion when the vacancy rate is below 1.5% • Council will have regard for the impact of the conversion on the rental housing market
City of Hamilton	No policy currently, however there was a policy at the regional level of government	• 2% vacancy rate was previously required by the Regional Municipality of Hamilton-Wentworth

APPENDIX "B"

APPLICATION AND UNITS PROCESSED TO DATE UNDER THE RENTAL HOUSING PROTECTION ACT

As of February 28, 1998

Nature of Application	City Council Decision					
	Approval	Denial	Pending Council Decision	Possible Withdrawal	Total	% of Total
Severance						
- *Units*	28				28	1%
- *Applications*	(3)				(3)	(8%)
Renovation						
- *Units*	127	6			133	7%
- *Applications*	(3)	(1)			(4)	(10%)
Demolition						
- *Units*	67				67	3%
- *Applications*	(4)				(4)	(10%)
Condominium Conversion						
- *Units*	504	109	635	423	1671	87%
- *Applications*	(18)	(3)	(1)	(4)	(26)	(67%)
Conversion to Other Use						
- *Units*	5	11			16	1%
- *Applications*	(1)	(1)			(2)	(5%)
Total						
- *Units*	731	126	635	423	1915	100%
- *Applications*	(29)	(5)	(1)	(4)	(39)	(100%)
Percentage of Total	(38%)	(7%)	(33%)	(22%)	(100%)	
Total (Excluding Possible Withdrawals)	731 (29)	126 (5)	635 (1)		1492 (35)	
Percent (Excluding Possible Withdrawals)	(49%)	(8%)	(43%)		(100%)	

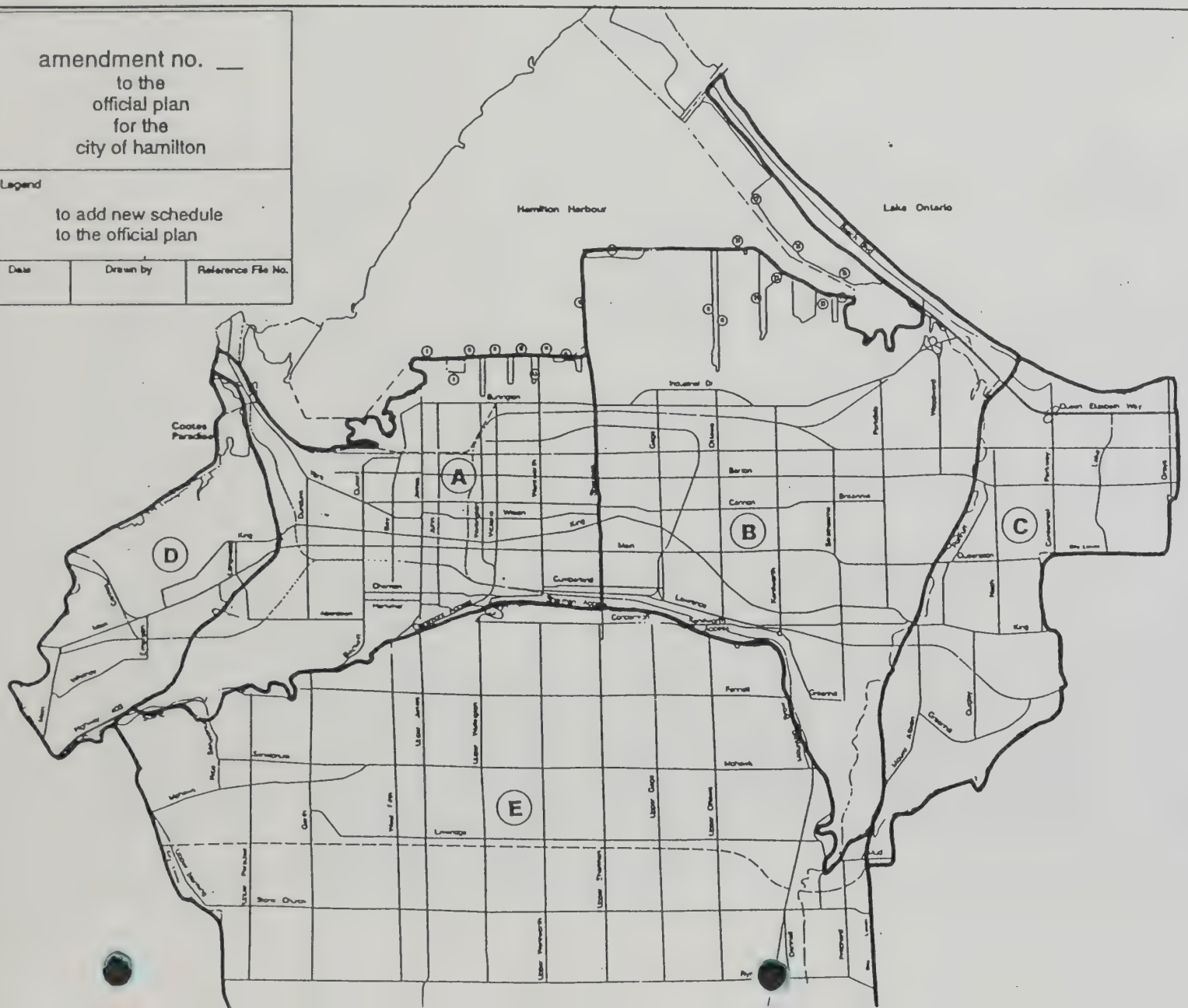
APPENDIX "C"

amendment no. ___
to the
official plan
for the
city of hamilton

Legend

to add new schedule
to the official plan

Date	Drawn by	Reference File No.



Local Housing Market Zones

- (A) Downtown / Central Hamilton
- (B) Central East Hamilton
- (C) East Hamilton
- (D) West Hamilton
- (E) Hamilton Mountain

schedule K

to the official plan
for
the city of hamilton

VACANCY RATE BY DWELLING TYPE AND ZONE

		Apartments (6 units and over)			Row/Townhouse Units		
ZONE	LOCATION	1995	1996	1997	1995	1996	1997
1	Hamilton (Downtown Core)	1.8	1.4	3.8	N/A	N/A	N/A
2	Hamilton (Central East)	3.5	6.9	5.8	N/A	N/A	N/A
3	Hamilton (East End)	3.1	2.9	4.3	12.4	18.8	20.2
4	Hamilton (Central)	5.6	5.2	6.1	N/A	N/A	N/A
5	Hamilton (West End)	0.8	1.0	0.7	N/A	N/A	N/A
6	Hamilton (Mountain)	1.0	1.3	1.7	2.0	2.8	3.3
1/4	Hamilton (Downtown Core / Central)	2.6	2.1	4.3	N/A	N/A	N/A
1 to 6	Hamilton City	2.2	2.4	3.5	0.8	8.0	8.7

Source: Canada Mortgage and Housing Corporation, Rental Market Survey Reports

LOCAL MUNICIPAL POLICIES GOVERNING RENTAL-TO-CONDOMINIUM CONVERSIONS (continued)

Municipality	*Where is the policy?*	*The policy*
City of Kingston	Official Plan	• Conversion will be considered to have an adverse affect on the supply of affordable rental housing when the vacancy rate is below 2%
City of Mississauga	Official Plan	• Council will evaluate application for conversion with respect to their impact on the supply of affordable rental housing
City of Nepean	Official Plan	• Vacancy rate must exceed 3%
City of Niagara Falls	Official Plan	• Discourage conversion when vacancy rate below 3%
City of North York	Official Plan Section 2.6.2	• Council will not permit conversion unless the vacancy rate exceeds 2.5%
Town of Oakville	Official Plan Section 3.10	• Conversion will be discouraged when the number of rental units falls below the following targets: ◦ Between 1991 and 1996, 21% rental ◦ Between 1996 and 2001, 25% rental
City of Ottawa	Official Plan	• Conversion not permitted if the rental vacancy rate is below 3% • Application will not be approved if, within a 2 km radius of the proposed conversion, more than 20% of the rental stock will be removed
City of Peterborough	Official Plan Section 4.2.5.4	• Satisfactory incentives must be provided to established tenants allowing them to purchase or remain in unit after conversion
Town of Pickering	Never had such a policy	• Relies on regional policy
City of Sarnia	Official Plan Section 4.9.4	• Consideration will be given to the overall mix of residential housing types • Current vacancy rate for rental accommodation will be regarded
City of Sault Ste. Marie	Never had such a policy	• No new policy will be enacted; will rely on PA
City of Scarborough	Currently no policy; 1975 policy superceded by RHPA	• Previous policy (1975), did not allow for any rental-to-condominium conversions
City of St. Catharines	Official Plan Section 3.1 and 3.2	• No support for conversion unless does not adversely affect the supply of affordable rental housing (municipality will consider current vacancy rates for affordable rental housing to determine adverse effect) • City will have regard to the Provincial target for providing the opportunity for at least 25% of all new housing units being affordable

LOCAL MUNICIPAL POLICIES GOVERNING RENTAL-TO-CONDOMINIUM CONVERSIONS (continued)

Municipality	*Where is the policy?*	*The policy*
City of Stoney Creek	Official Plan Section A.1.2.24	• Vacancy rate of 2% required • No conversion allowed which will lower the vacancy rate below 2%
City of Sudbury	None	• No intent to enact new policy, will rely on PA
City of Toronto	Official Plan Section 6.18	• Conversion will be considered against the public interest if the vacancy rate is below 2.5%
City of Vaughan	Never had such a policy	• Very few apartment buildings in Vaughan, no policy needed
Town of Whitby	Official Plan Section 7.6.5	• Applications for conversion will only be considered when the residential vacancy rate for Whitby and the whole of Durham region is greater than 3% over two successive rental surveys
City of Windsor	Official Plan Section 8.4	• All existing tenants must be notified of application • All existing tenants must be notified of the mandatory public meeting • The applicant must demonstrate that all existing residents can be accommodated in the new development or relocated to other acceptable rental units

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1993

URBAN MUNICIPAL
MAY 19 1998
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 May 20
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-12, by Horvat Properties, owner, for a change in zoning from "A" District to "C" District for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line on the Nash Orchards Heights South draft approved plan of subdivision.

2. **REFERRAL FROM COUNCIL**

   Petition from the Southam Park Neighbourhood residents
   Re: Committee of Adjustment Decision on 9 BArker Avenu, Mrs. K. Marshall

3. **ALDERMAN M. CAPLAN**

   Back Yard Parking

4. **CONSENT AGENDA**

5. **PRIVATE AND CONFIDENTIAL AGENDA**

6. **OTHER BUSINESS**

7. **ADJOURNMENT**

Urban Municipal Collection
2nd Floor
Hamilton Public Library

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
3.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
4.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
5.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
6.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for report	Report pending
7.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
8.	Planning Tariff Fees - Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
9.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending
10.	RHPA Application CD-97-002, 21 Kendale Court	1997 August 20	Clarification re: reserve funds for major repairs & resolve parking issue	Tabled for 1 month
11.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
12.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
13.	ZA-97-33, 852 Upper Wentworth Street	1998 April 22 and May 6	Ald. Kelly to meet with the Applicants	Tabled to 1998 May 6
14.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
15.	OPA - Protection of Rental Housing Stock	1998 April 22	Evening Public meeting to be held in one month	Meeting to be re-advertised and scheduled
16.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
17.	Potential Regulation of Car Repair Activity in Residential Districts	1998 May 6	Staff Report Requested from Planning and Building Departments	Pending

1.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 May 13
ZAC-98-12
Gershome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line on the Nash Orchards Heights South draft approved plan of subdivision.

RECOMMENDATION:

(a) That approval be given to Amended Zoning Application ZAC-98-12, Horvat Properties, owner, for a change in zoning from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "2") for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line in the Nash Orchards Heights South draft approved plan of subdivision, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District;

(ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District;

(iii) That the Director of Planning and Development be directed to prepare a By-law to the satisfaction of the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(v) That, upon finalization of the implementing zoning by-law, the Gershome Neighbourhood Plan be amended as follows:

a) that Block "1" be redesignated from "Park and Open Space" to "Single and Double Residential"; and,

b) that Block "2" be redesignated from "Single and Double Residential" to "Park and Open Space".

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a changes in zoning for property located east of Greenhill Avenue, west of Webster Road and north of the existing railway line in the Nash Orchards Heights South draft approved plan of subdivision, on the following basis:

Block "1" - change in zoning from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District; and,

Block "2" - change in zoning from "C" (Urban Protected Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District.

The effect of the By-law is to permit the development of Block "1" for four (4) single family dwellings and to change the zoning of Block "2" for park and open space purposes in accordance with the draft approved plan of subdivision "Nash Orchards Heights South".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for a change in zoning is to permit the development of 4 single family dwellings in accordance with the draft approved plan of subdivision "Nash Orchards Heights South". (see APPENDIX "A").

"Nash Orchards Heights South" Subdivision

In 1985, City Council approved Zoning Application 86-01 and Subdivision Application 85-22 for the future development of 180 lots for single detached dwellings in accordance with the proposed plan of subdivision "Nash Orchards Heights South" (see Appendix "B").

The "Nash Orchards Heights South" Subdivision was draft approved in 1986. At the time of draft plan approval, the developer was required to participate with the abutting developer to the north to construct a turn-off lane from Centennial Parkway. In addition, as a condition of draft plan approval, the road pattern in the "Nash Orchards Heights South" subdivision was to be revised to ensure that the development of Webster Road did not require the demolition of the existing single detached dwelling known as 90 Webster Road.

In 1998, the Gershome Neighbourhood Plan was amended to delete the turn-off lane. The Traffic Division and Regional Roads Division supported the removal of the turn off lane because of roadway and intersection improvements to King Street East and Greenhill Avenue. These roadway improvements eliminated the need for a permanent slip-off lane from Centennial Parkway prior to the full development of the "Nash Orchard Height South" subdivision.

The changes to the Neighbourhood Plan and the implemention of the City engineering conditions has resulted in the reconfiguration of the park block.

APPLICANT:

Horvat Properties, owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 60.0 m of lot frontage along future Street "C";
- 50.0 m of lot depth; and
- 1,500.0 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"A" (Conservation, Open Space, Park and Recreation) District

Surrounding Land Use

to the north	Vacant (to be developed for Single Family Dwellings)	"C" (Urban Protected Residential, etc) District
to the south	Vacant (to be developed for Single Family Dwellings)	"C" (Urban Protected Residential) District
to the east	Vacant (to be developed for Single Family Dwellings)	"C" (Urban Protected Residential, etc) District
to the west	Vacant (to be developed for Single Family Dwellings)	"C" (Urban Protected Residential, etc) District

OFFICIAL PLAN:

The lands are designated **Open Space** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. Based on Policy D.8.2, which permits minor boundary adjustments, the proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Park & Recreation" in the approved Gershome Neighbourhood Plan. An amendment to the neighbourhood plan is required to adjust the location of the "Park & Recreation" designation to reflect the approved draft plan and to redesignate Lots 185 to 188, inclusive, from "Park & Recreational" to "Single & Double" Residential.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Please be advised that we have reviewed the above application and have no objection to the proposed change in zoning to permit the development of four additional single family lots. Included with the application are two proposed lot layouts. Our preference is the second alternative, a copy of which is attached for your information (see Appendix "C")."

- The Building Department has advised:

"1. The plan submitted is not a survey and the comments are based on the plans submitted.

2. Upon a successful change to a "C" District, the minium required lot width is 12.0m and minimum lot area is 360 m^2. Please note that the lot width is measured at a depth of 9.0m from the front lot line."

- The Parks Division have verbally advised that they have no objection to the proposed change in zoning. However, they have indicated that it is their preference that the ultimate park configuration avoid "blind spots" to avoid programming difficulties or potential conflicts with the future single detached dwellings.

- The Regional Environment Department, Planning Division advised that:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

The lands proposed to be rezoned are within a Block for future park purposes within draft approved plan of subdivision "Nash Orchards Heights South (Regional File No. 25T-85033). However, since the proposal for four (4) single residential family lots is considered minor in nature, a red line change to the draft approved plan of subdivision is not required.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS.

- The Regional Environment Department, has advised that:

"There are public watermains and separate storm and sanitary sewers available on Greenhill Avenue to service the western portion of the subject lands. The remaining lands will be serviceable when sewers are extended across the lands to the north. The propsoed subdivision will be serviced through the Draft Plan of Subdivision process.

The Regional Transportation Department, Roads Division, have the following comments.

(1) We have reviewed this application on the basis that the subject lands will be developed through a satisfactory plan of subdivision.

(2) We are currently reviewing the engineering drawings and the road alignment adjacent to these lots and advise that the location of the road may change to

accomodate our minimum geometric design requirements. As a result, the exact limits of the zoning boundaries may have to be adjusted accordingly."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the conditions of draft plan approval for the "Nash Orchards Heights South" subdivision; and,

   ii) it would be compatible with the abutting residential uses.

3. The Gershome Neighbourhood Plan was amended in 1998 to delete both the temporary turn-off land and the proposed permanent turn-off lane from Centennial Parkway into the neighbourhood. The Traffic Division and Regional Roads Division supported the removal of the turn off lane because of roadway and intersection improvements to King Street East and Greenhill Avenue eliminating the need for a permanent slip-off lane from Centennial Parkway to accommodate the full development of the "Nash Orchard Height South" subdivision.

   One of the original conditions of draft plan approval for the "Nash Orchards Heights South" subdivision was that the road pattern be revised to ensure that the development and extension of Webster Road not require the demolition of the existing single detached dwelling known as 90 Webster Road. This required realigning Webster Road westerly resulting in an adjustment in the local streets to provide for minimum 30 m lot depths. The revised drawings for the "Nash Orchards Heights South" subdivision incorporate the revision to the location of Webster Road.

   As a result of the Neighbourhood Plan changes and the engineering related draft approval conditions, the internal roadway configuration has been adjusted which requires the reconfiguration of the park block. It is noted that under the conditions of draft plan approval, the developer is required to "convey Block 181 to the City of Hamilton for park purposes pursuant to the provisions of the Planning Act". The proposed changes in zoning do not alter the conditions of draft plan approval nor do they exempt the developer from required parkland dedication. Therefore, the revised park block is in keeping with the 5% land dedication requirement of the original conditions of draft plan approval.

4. The Roads Division has advised that the final approved road alignment adjacent to the park block may be further revised to accomodate the City's minimum geometric design requirements. As a result, the exact limits of the zoning boundaries may have to be adjusted accordingly. In this regard, the applicant will be required to submit a survvey

plan showing the exact limits of the proposed roads prior to the preparation of the Zoning By-law for presentation to Council.

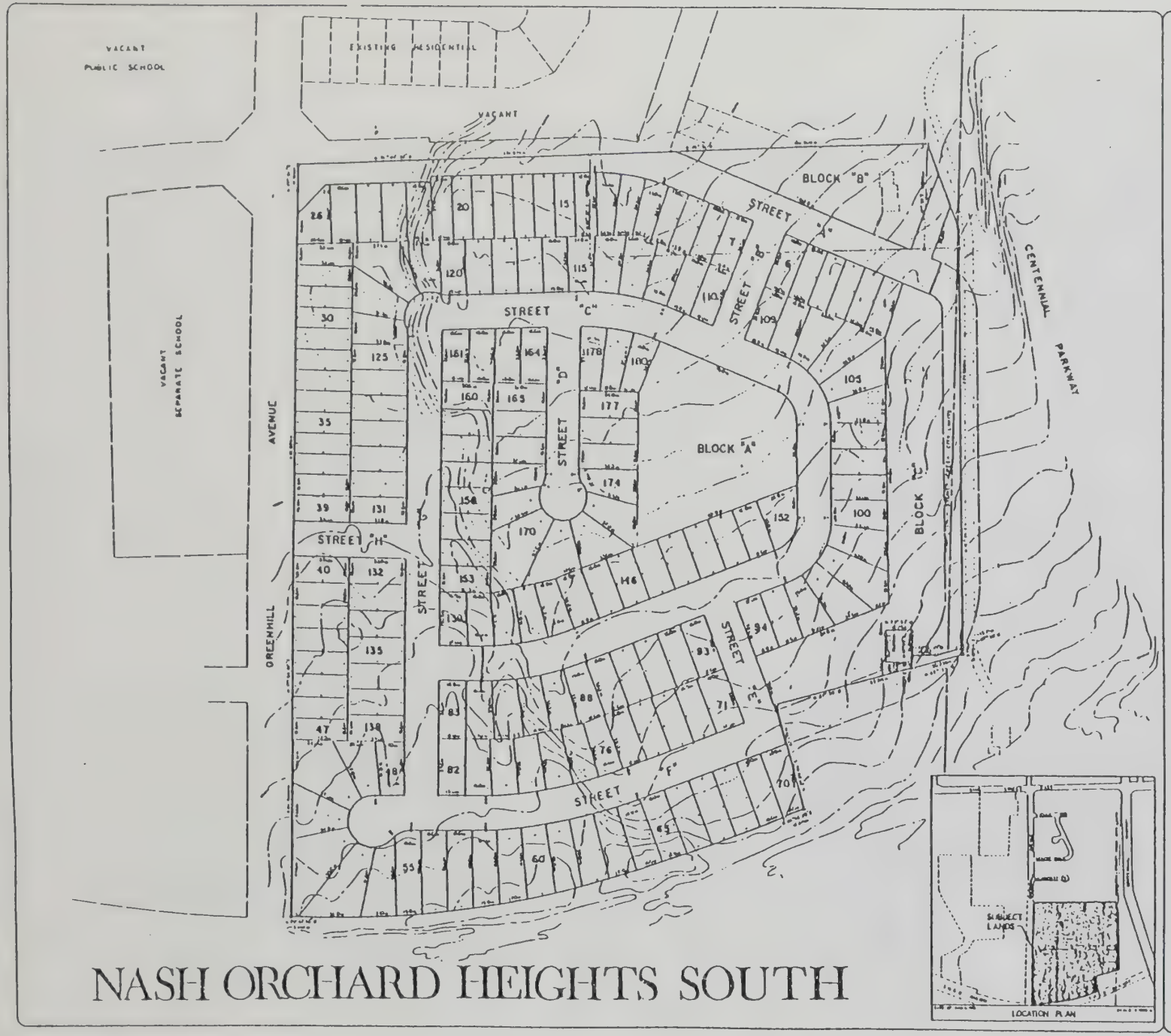
5. The Zoning Application, as submitted, was for Block "1". The southerly portion of the revised park block includes lands that are presently zoned "C" District (Block "2"). As such, it is appropriate that the zoning application be amended to include these lands in the rezoning to change the zoning from "C" District to "A" District.

6. The Traffic Division advised that there preference was for the second lot layout submitted with the rezoning application (see APPENDIX "C"). The Parks Development Division has advised that this configuration creates the potential for "blind spots" which can cause park programming difficulties and possible conflicts with the future single detached dwellings (Lots 180, 181, 185 and 186). Therefore, the final lotting pattern should be based on the recommended pattern of the Parks Development Division.

CONCLUSION:

Based on the foregoing, the amended application can be supported.

SR/sr
ZA-98-12.RPT



NASH ORCHARD HEIGHTS SOUTH

REVISED 01 20 86
DRAFT PLAN OF SUBDIVISION

BEING PART OF LOTS 26, 27 & 28 CONCESSION 4,
FORMERLY IN THE TOWNSHIP OF SALTFLEET
NOW IN THE CITY OF HAMILTON,
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

OWNER'S CERTIFICATE

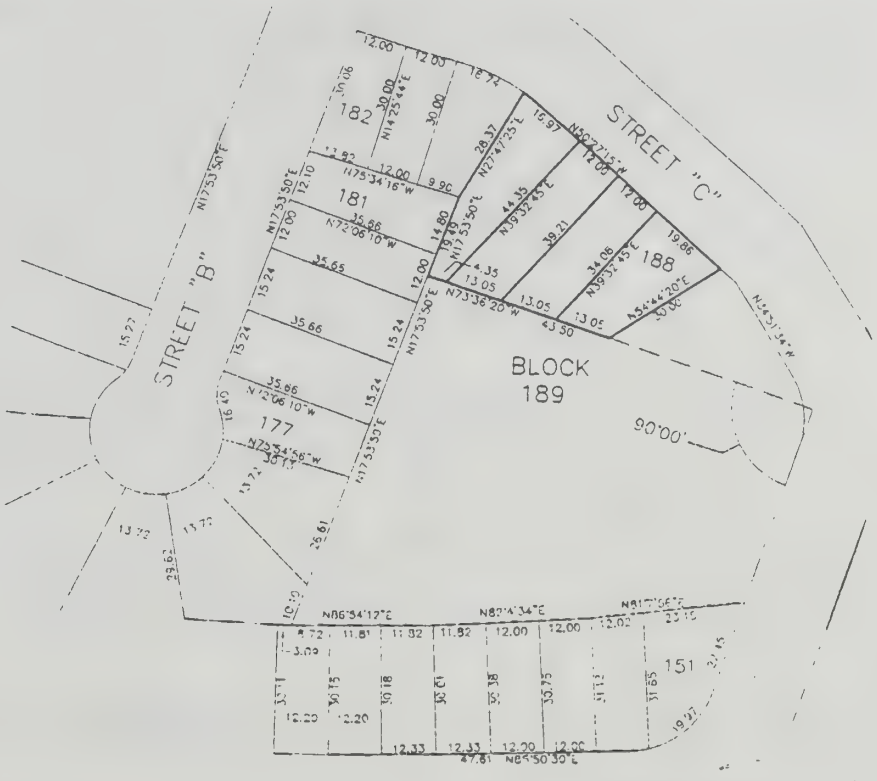
SURVEYOR'S CERTIFICATE

REQUIREMENTS OF THE PLANNING ACT,
1983 (SECTION 50 2)

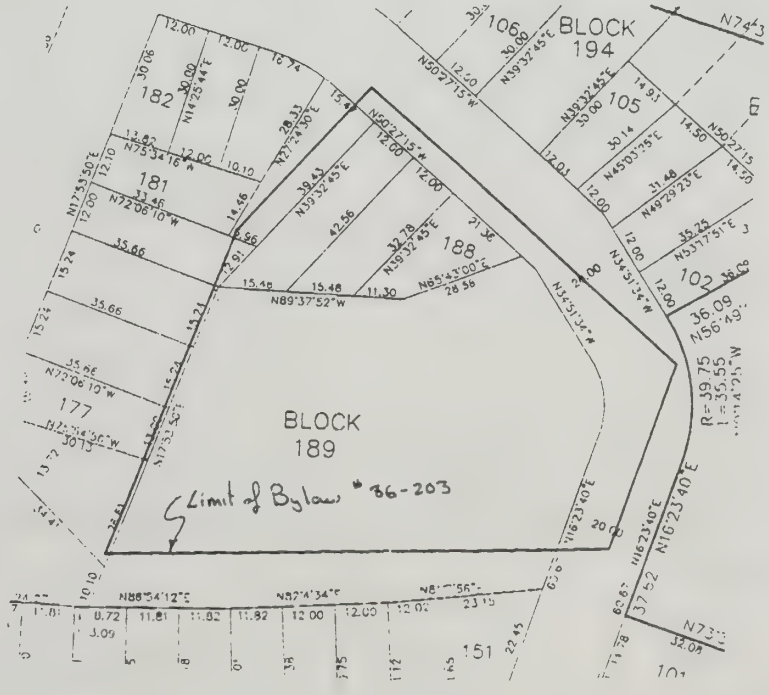
DESIGN CRITERIA AND LAND USE SCHEDULE

	LOT / BLOCK	AREA (Ha)	(%)
TOTAL		13.34	32.80

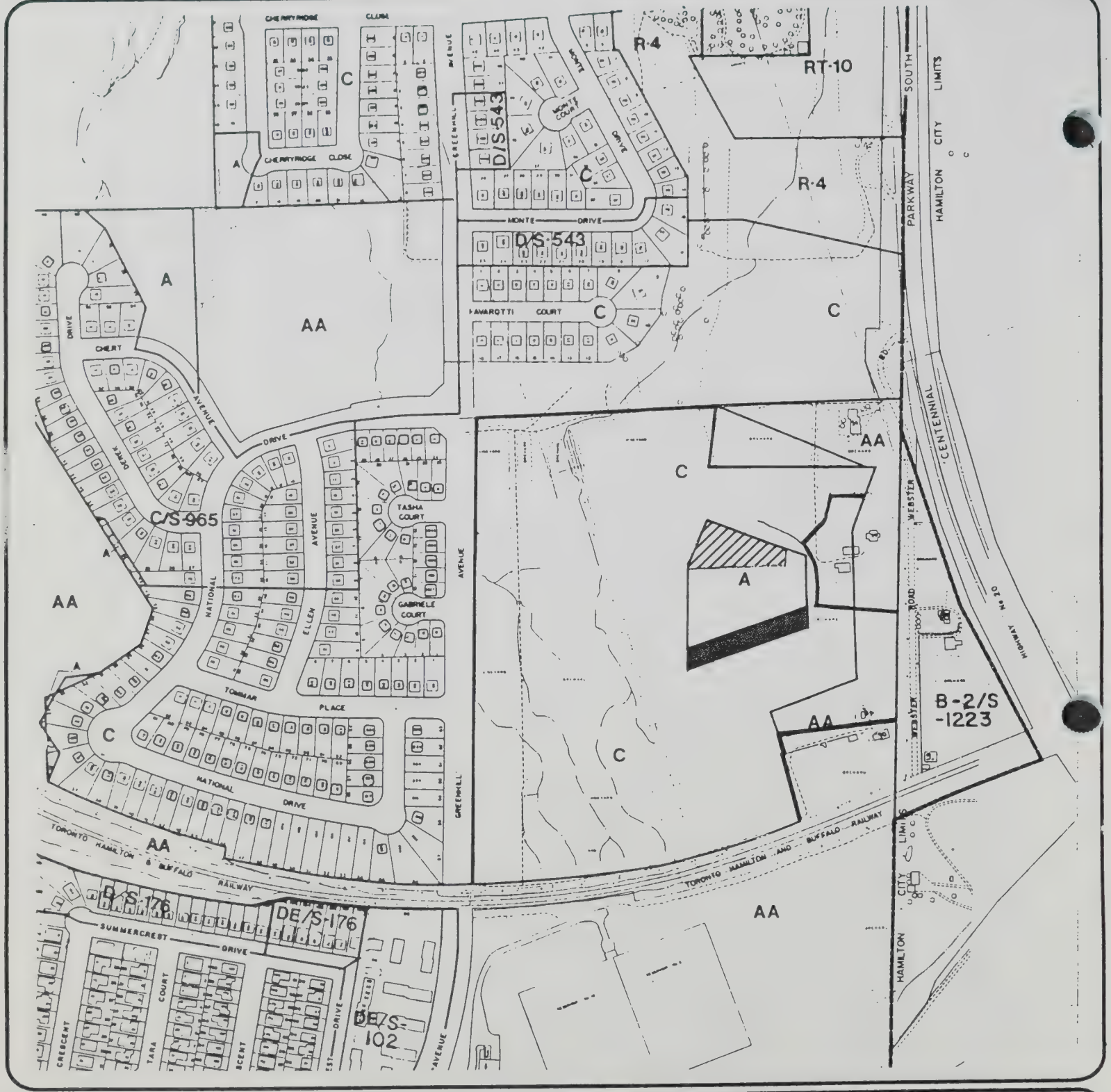
APPENDIX "R"



Option prefered by Traffic Division



Option prefered by Parks Development Division



Legend

Change in Zoning:

BLOCK 1 — from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District;

BLOCK 2 — from "C" (Urban Protected Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District;

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File number
	NOT TO SCALE	ZAC-98-12
	Date: MAY 1998	Drawn By: D.L.

APPENDIX A 18

2.

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO:	Mr. J. J. Schatz City Clerk City Clerk's Department	YOUR FILE:	
FROM:	Tina Agnello, Secretary Planning and Development Committee City Clerk's Department	OUR FILE: PHONE:	 546-2727
SUBJECT:	Petition from the Southam Neighbourhood Re: Committee of Adjustment Decision on 9 Barker Avenue, Mrs. K. Marshall	DATE:	1998 May 13

Council at its meeting of 1998 May 12 referred the abovenoted correspondence to the Planning and Development Committee which is attached hereto.

cc. P. Noe. Johnson, City Solicitor
V. Abraham, Director of Planning and Development
P. Fisher, Secretary, Committee of Adjustment
-file-

Inverness Court

1

4

FROM THE SOUTHAM PARK NEIGHBORHOOD:

We, the undersigned, want it clearly understood that we are adamantly opposed to the severances and variances which have been granted to the owner, Mrs. K. Marshall at 9 Barker Ave. by the Committee of Adjustment for the City of Hamilton on December 17, 1997. These severances and variances will create lots which are substantially smaller than any other lots in the neighborhood, one being **29.1** ft wide and the other only **21.75** ft. wide.

There is no zoning anywhere in the city which would permit this to happen. In fact,as we are told by staff, not even individual semi-detached units are permitted on lots this narrow! The precedent set here will change not only the property values of our homes, but will also destroy the very nature of our community.

The reports by both the Planning and Development Department and the Public Works and Traffic Department, which were presented to the committee, identified numerous technical problems, were unable to support the applications and therefore recommended that the applications be denied. The residents of the Southam Park Neighbourhood ask that City Council reconsider granting these severances and variances. The character of this older, established and cared for neighbourhood must not be compromised.

NAME	ADDRESS	SIGNATURE
JANE & RUDY HEINZL	90 Inverness Court	
Samuel & Anna Taylor	101 Inverness Ct.	
Kathryn Danforth	93 Inverness Crt	
YVONNE FORLER	93 Inverness Court	
LEONARD ROLLO	89 INVERNESS CT	
WM C. HALL	85 INVERNESS CRT	
	103 Inverness Crt.	
Kelly & Tom Webb	84 Inverness Ct.	
Sue Vattay	92 Inverness Ct.	
Gary Fagny	92 Inverness Ct.	

Thomas Schlange	96 Inverness Crt	Thomas Schlange
Linda Bishop	102 Inverness Ct	Linda Bishop

Arcade

FROM THE SOUTHAM PARK NEIGHBORHOOD:

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NAME	ADDRESS	SIGNATURE
G H Beveridge	99 Arcade Cr.	G H B — Le.
N L Beveridge	99 Arcade Cres.	N L Beveridge
C G Harrison	31 Arcade Cr	C G Harrison
N A. HARRISON	31 Arcade Cr.	Nancy G. Harrison
S J Innes	36 Arcade Cr.	S J Innes
Joan Lapp	28 Arcade Cr	J Lapp
Paul W. Lapp	28 Arcade Cr.	Paul W. Lapp
Patricia Proffitt	20 Arcade	Patricia Proffitt
[illegible]	12 Arcade	G. Mersereau
L. Hinchey	58 ARCADE CRES	L. Hinchey

NAME	Address	signature
ALVIN WARD	66 ARCADE CR	
Pat Ward	66 Arcade Cres	
Phyllis Datchak	106 Gateview	
OREST DUTCHAK	106 GATEVIEW	
SANDI UPPER	126 Gateview Dr.	
LINDA BEST	133 GATEVIEW.	
GINA + STEPHEN RANGER	129 GATEVIEW DR	
Michael Dingwall	117 Gateview Dr	
Jean Dingwall	117 Gateview Dr.	
GRACE MATER	113 Gateview Dr.	
JOHN MATER	113 GATEVIEW DR	
DEBORAH MILLER	109 Gateview	
Joan Bent Joan Bent	105 Gateview	
Mike Archer	94 Arcade Cr	M. ARCHER
Margaret Archer	94 Arcade Cres	
GORDON SMITH	102 ARCADE CRESC	
Doris Cranfield	61 arcade Crescent	DORIS CRANFIELD
Michelle Chrysler	65 Arcade Cres	Michelle Chrysler
Tony Chrysler	65 Arcade Cres	
Bob Cowling	73 Arcade Cres	
Nancy Cowling	73 Arcade Cr	Nancy Cowling
Kathy Johnson	77 Arcade Cres.	
	77 ARCADE	GERALD MONCZKA.

Signature	Address	Name
Mr & Mrs H Wood	89 Arcade Cr	MRS. & Mr. H. WOOD
Mr & Mrs T. HULL	85 ARCADE CR	Mr & Mrs J. Hull
MARGARET RHAMEY	69 ARCADE CRES	Margaret A Rhamey
H Pearson	81 Arcade Cr	H Pearson
L Gembora	95 Arcade CRES	L. Gembora.
C N Sanderson	91 Arcade Cres	C.N. Sanderson
A Sanderson	" " "	A. SANDERSON
Olga Storey	101 Arcade Cr.	Olga Storey

Cloverhill

FROM THE SOUTHAM PARK NEIGHBORHOOD:

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NAME	ADDRESS	SIGNATURE
FRANK R. FORDHAM	28 CLOVERHILL RD. HAMILTON, ONT	Frank R. Fordham
HEDY FORDHAM	28 CLOVERHILL RD. HAMILTON, ONT	Hedy Fordham
JOANNE WHITMAN	32 CLOVERHILL RD HAMILTON	Joanne Whitman
Dee Whitman	32 Cloverhill Rd. Hamilton	Dee Whitman
Marjorie Mullen	36 Cloverhill Rd	M. Mullen
Betty Robinson	44 Cloverhill Rd	Betty E. Robinson
STEVE Robinson	44 Cloverhill	Steve Robinson
Lori Gregory	47 cloverhill	L Gregory
Keith Jones	47 Cloverhill	Keith Jones
MERRIAM LARAUGER Merriam Laraugen	152 BRANTDALE	Merriam Laraugen

J.E. TED LARONGER	152 BRANTDALE AVE	
LYNNE ULRICH	152 BRANTDALE	Lynne Ulrich
GAIL FISHER	67 CLOVERHILL CR	Gail Fisher
RONALD FISHER	67 CLOVERHILL CR	
CHARLES. S. ROBINSON	13 CLOVERHILL RD	
HILDA H. ROBINSON	13 CLOVERHILL RD	Hilda Robinson
Geraldine & SAM Shapiro	19 CLOVERhill	
BOB & PATTY BART	23 CLOVERHILL RD	
Kim Schmith	27 Cloverhill Rd	Kim Schmith
Graydon + Anne Smith	31 Cloverhill RD.	Anne Smith
Doug & Anne Flower	35 Cloverhill Rd.	
ESTHER + DAVE	39 CLOVERHILL RD	
BRUCE WHITEHAW	39 "	
BETH BELANGER	43 "	
Christopher Clouse	52 Cloverhill	
J. DEVRIES	56 Cloverhill Rd	
Erin May	60 Cloverhill	
HEINZ KOEPP	16 CLOVERHILL RD	
ELEANOR BANNER	68 CLOVERHILL	Eleanor Banner
RALPH BANNER	68 CLOVERHILL	
Pat Hill	77 Cloverhill	
Ray Weld	77 Cloverhill	
Janet Bailey	51 Cloverhill Rd.	JANET BAILEY

T M. BAILEY	81 Cloverhill Rd	T. M. Bailey
PEG PEATFIELDS	84 Cloverhill Rd	Peg Peatfields
Karen McKay	80 Cloverhill Rd	Karen McKay
GARY BROWN	51 CLOVERHILL RD.	Gary Brown.

West 5th

FROM THE SOUTHAM PARK NEIGHBORHOOD:

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NAME	ADDRESS	SIGNATURE
Iwa Szucs	59 West 5th	Iwa Szucs
E. Mooney	101 West 5th	E. Mooney
	117 West 5th	Kaloustian
Maria Koshowski	121 West 5th	M. Koshowski
D. KOSHOWSKI	121 W5th St.	D. Koshowski
M. Maguire	129 West 5th St	
J. Kennithas	129 West 5th	Jacqy Kennithas
	129 west 5th	Ross Shinnan
Barbara Cambridge	67 W 5th	Barbara Cambridge
Dmitri CZAPOLETA	55 W 5th	

QING LAI	83 West 6th St.	
SHEWAN, DANIELLE	63 WEST 5th ST.	Danielle Shewan

Clarement

FROM THE SOUTHAM PARK NEIGHBORHOOD:

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NAME	ADDRESS	SIGNATURE
[illegible]	34 Claremont	[illegible]
D Hodson	" "	D Hodson
Ryan Philip	27 Claremont	R. Philip
Bob Philips	"	R. Philips
Lisch	47 Claremont Dr.	Lisch
[illegible]	77 Claremont	A. LEIGHTON
CDE SCHULTZ	95 CLAREMONT DR	[illegible]
[illegible] Schultz	95 Claremont Dr.	[illegible]
K.R. VAN WYCK	79 CLAREMONT DR.	[illegible]

MARG ANN VAN WYCK	79 CLAREMONT DR.	M.A. VanWyck
JOE GEDRIS	55 CLAREMONT	J. Gedris
MOLLY GEDRIS	55 CLAREMONT	M. Gedris
James E. Newell	63 Claremont Dr.	JAMES E. NEWELL
Andrew Gedris	55 Claremont Drive	Andrew Gedris
Ruth Sibwa	51 Claremont Dr.	R. Sibwa.
Walter Owsiak	51 Claremont	Walter Owsiak
Rod INNES	36 ARCADE CRES	Rod Innes
JILL McKENZIE	41 CLAREMONT DR.	J. Jill McKenzie
ALOYSIA PINTO	31 CLAREMONT	A. Pinto
JONATHAN LEE	31 CLAREMONT	
Lynne MacDonald	99 Claremont	L. MacDonald
J DE MUNNYNCK	105 CLARE MONT DR	J. de Munnynck
L. De Munnynck	105 Claremont Dr.	L de Munnynck
S. BROWN	115 CLAREMONT DR.	S. Brown.
A. Herzelenberg	113 CLAREMONT DR	A. Herzelenberg
Trevor Herzelenberg	113 Claremont Dr	Trevor Herzelenberg
Peter Lovicks	41 Claremont Dr	P. Lovicks

Inverness W
Upper James

(168)

FROM THE SOUTHAM PARK NEIGHBORHOOD:

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NAME	ADDRESS	SIGNATURE
Joanne Olmsted	48 INVERNESS W	J Olmsted
LORNA EVANS	43 INVERNESS W	
GERALD EVANS	43 INVERNESS W.	
JAMES FLEMING	47 INVERNESS AVE W.	
Irene Cybulsky	47 Inverness Ave W	
Bo Hyun Kim	33 Inverness Ave. W	Bo Hyun Kim
RUTH PEARSON	42 INVERNESS AVE. W.	Ruth Pearson
Lois Bernhardt	65 INVERNESS AVE W	L. Bernhardt
Katharine Greenfield	64 Inverness Ave W	K. Greenfield
Kybartas	54 INVERNESS AVE W	L Kybartas

ALAN HUURMAN	35 INVERNESS AVE W	
LAURIE HUURMAN	"	
JEAN BUEHNER	21 INVERNESS AVE W.	Jean L Buehner
MAUD HAWE	21 INVERNESS AVE W	Maud E. Hawe
CLAUS BUEHNER	"	C. V. Buehner
A.M. BURBIDGE	15 INVERNESS AVE W	A-M Burbidge
R.B. Burbidge	✓	R.B. Burbidge
K. SANDERS	20 INVERNESS	
E. Black	25 Inverness Ave W	E. Black
Barbara Cowan	36 INVERNESS AVE W.	B. COWAN
L.A. Cowan	36 Inverness Ave W	L. COWAN
L.C. Pearson	42 Inverness Ave W	L.C. Pearson
Peggy Olmsted	48 Inverness W	P Olmsted
CHAS OLMSTED	48 Inverness W	Chas E Olmsted
EARL CHATTEN	29 INVERNESS AVE W	Earl Chatten
GERALD GILES	39 INVERNESS AVE W.	Gerald Giles
D. Corbett.	49 Inverness Ave W.	D. Corbett
RICHARD D. CORBETT	49 INVERNESS AVE W	Richard D Corbett
Doug Johnson	60 Inverness	
	32 Inverness W	
Virginia Kelly	16 Inverness W	Virginia Kelly
	"	P.E. KELLY
P OLIVER	486 U. James	Polly Oliver

BARBARA Johnson	60 Inverness Ave W	Barbara C. Johnson
HEATHER PEARSON	35 Inverness Ave W	H Pearson
MICHAEL STRATFORD	35 INVERNESS AVE W.	
Mary Beveridge	8 Barker Ave	Mary M. Beveridge
GARY BEVERIDGE	8 Barker Ave	

Marvin Caplan

Regional Councillor - Regional Municipality of Hamilton-Wentworth
Alderman Ward 1 - City of Hamilton

3.

8 May 1998

Frank D'Amico
Chairman
Planning & Development Committee

Dear Frank:

RE: BACK YARD PARKING

I would like to discuss the possibility of further restricting the regulations for backyard parking, at your convenience, and bringing this matter forward before the Planning and Development Committee.

Thank you for your attention to this matter.

Sincerely,

MARVIN CAPLAN

MC:lm

cc: Victor Abraham
Director
Planning and Development Department

Tina Agnello
Secretary
Planning and Development Committee

71 MAIN STREET WEST, HAMILTON, ONTARIO L8P 4Y5 • (905) 546-2416 • FAX (905) 546-2535
E-MAIL: mcaplan@city.hamilton.on.ca

4.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 May 20
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 May 6.

B. BUILDING COMMISSIONER

(i) Barton Street Revitalization - Post Promotional Reception

(ii) Commercial Property Improvement Loan, 536 Concession Street

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Zoning Application 98-17 for Removal of the "H" Holding Provision - 21 Brantdale Avenue.

(ii) Proposed Draft Plan of Condominium by 1167829 Ontario Limited - 141 Catherine Street South, Corktown Neighbourhood.

(iii) Proposed Draft Plan of Condominium 98-03, "Summerhill at Sandrina Gardens" by DiCenzo Construction Company Limited, owner, for lands municipally known as 10 Cadham Boulevard and 10 Beaverbrook Avenue.

D. SECRETARY,PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1998 May 6
9:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman F. D'Amico, Chairperson Alderman G. Copps, Vice-Chairperson Alderman M. Caplan Alderman R. Corsini Alderman D. Haining Alderman B. Charters Alderman B. Kelly Alderman F. Eisenberger
Regrets:	Mayor R. M. Morrow
Also present:	Alderman M. Kiss Alderman A. Horwath Alderman D. Wilson Victor Abraham, Director of Planning and Development Department Paul Mallard, Planning and Development Department Bill Janssen, Planning and Development Department Nina Chapple, Planning and Development Department Eugene Chajka, Regional Environment Department Ed Switenky, Public Works & Traffic Hazel Milsome, Public Works and Traffic Department Peter Lampman, Building Department Larry Harvey, Building Department Don Inglis, Building Department Ross Fair, Director of Culture and Recreation Art Zuidema, Law Department Bob Desnoyers, Property Maintenance Division Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. **Zoning Application 98-08, by Giovanni (John) Fortino, Owner, for a Change in Zoning from "H" District to "RT-30" District, Modified, for Lands Located at 41 and 51 Wilson Street and 99 John Street North.**

Paul Mallard advised that the application is to change the zoning from "H" District to "RT-30" to allow the development of nine street townhouses. Of 137 notices circulated, 11 replied in favour and two opposed. He stated that should the application be approved, there is a condition to place it in an "H" zoning in order that a record site of condition be submitted to the Region and the Ministry of the Environment.

Mr. Bartolini was present on behalf of the applicant and Rick Lintak, Architect. Mr. Bartolini advised that the application is conditional upon the City approving an environmental report and on site plan control. He requested if the application is approved that Council hold the By-law until the environmental report is approved.

Paul Mallard advised that the intent of the Holding By-law is to determine if the property is suitable for residential zoning.

Ralph Karakish, St. John's Lutheran Church council member, was present. He said that they had no comments or major concerns.

In response to a question from Mr. Karakish, Paul Mallard advised that there is a reduction on the set-backs from 2 1/2 metres to 1 1/2 metres.

Alderman Copps questioned the taxes owing on the property. She also wanted to know why eight of the proposed ten units do not front onto the street.

Mr. Mallard stated that the original application was for 10 units, not nine and that the concern has been addressed by reducing the units to nine and they all have access to the street.

Alderman Corsini stated that we are trying to fill in residential housing in the downtown core and that this is a commendable application.

Alderman Horwath is in favour of this application because it will bring residents into the downtown area.

Mr. Mallard suggested that the Committee could have the By-law held in abeyance pending the environmental approval.

The Committee concurred to this amendment and approved the following recommendation as amended for Council's consideration:

(a) That approval be given to Amended Zoning Application ZAC-98-08, Giovanni (John) Fortino, owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "RT-30" (Street - Townhouse) District, modified to permit the development of 9 street townhouses, for property located at on the east side of Hughson Street North, north of Wilson Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "RT-30" (Street Townhouse) District; and,

(ii) That the "RT-30" (Street Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10F(3), a maximum height of four (4) storeys shall be permitted; and,

(2) That notwithstanding Sections 10F(4)(b) and (c), a minimum 6.0 m rear yard and 1.5 m side yards shall be provided and maintained; and,

(3) That notwithstanding Section 10F(6), a minimum lot area of 124.0 m^2 and a minimum lot width of 5.6 m shall be

provided and maintained for each single family dwelling unit; and,

(4) That notwithstanding 10F(9), not more than nine (9) single family dwellings shall be attached in a continuous row; and,

(5) That notwithstanding Section 18(3)(vi)(e), the uncovered front porch may encroach into the front yard.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1404, and that subject lands on Zoning District Map E-4 be notated S-1404; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

(b) That the amending By-law not be forwarded to Council until such time as the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE) to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

2. Zoning Application 97-36, by Sisters of St. John the Baptist, Owner, for a Further Modification to the Established "C" District, for Property Located at 329 Mohawk Road West.

The agent was present on behalf of the applicant.

As recommended in a report dated 1998 April 28 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application ZAC-97-36, Sisters of St. John the Baptist, owner, for a further modification to the "C" (Urban Protected Residential, etc.) District, to permit the construction a two (2) storey addition to the west end of the existing convent, located at 329 Mohawk Road West, as shown on the attached map marked as APPENDIX "B", on the following basis:

(i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of By-law No. 6593 as amended by By-law 67-97, applicable to the subject lands, be further modified to include the following variances as special requirements:

(1) Notwithstanding Schedule "A" of By-law 67-97, an 18.80 m minimum front yard shall be provided and maintained for the two (2) storey westerly addition along the northerly lot line; and,

(2) Notwithstanding Schedule "A" of By-law 67-97, a 4.5 m minimum westerly side yard shall be provided and maintained for the two (2) storey westerly addition; and,

(3) Notwithstanding Schedule "A" of By-law 67-97, one (1) parking spaces shall be permitted within the required front yard along Mohawk Road West; and,

(4) Notwithstanding Schedule "A" of By-law 67-97, the parking area, existing on the day of passing of this by-law, shall be permitted within the required front yard along Lynbrook Drive; and,

(5) Notwithstanding Schedule "A" of By-law 67-97, an accessory building, existing on the day of passing of this by-law, shall be permitted within the front yard along Lynbrook Drive; and,

(6) That a planting strip having a width of not less than 4.75 m shall be provided and maintained along the westerly lot line.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-41a, and that the subject lands on Zoning District Map W-17 be notated S-41a; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17 for presentation to City Council; and,

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That Site Plan Control By-law No. 79-275, as amended by By-law 87-223, be amended by adding the subject Lands to Schedule "A".

3. **Zoning Application 98-10, by J.D. Rosset, Owner, for Changes in Zoning from "H" District and "C" District to "DE" District for Lands Located at 1516 Main Street West.**

Submissions were received from the following:

(a) Jerry Wannop, Wentworth Construction
(b) G. Crevier, 10 Norfolk
(c) Petition submitted by Marianne Hrnic
(d) Betty and Jim Bechtel, 9 Sanders Boulevard
(e) Allan Cam, 2 Norfolk Street North
(f) Written submission from Mr. Allan Kam, submitted by his solicitor, Ron Kovacs.

Mr. Wannop was present and requested tabling of the matter.

Paul Mallard advised that the request is for change in zoning from "H" commercial and "C" residential to "DE" to permit a four-unit apartment building. In 1996 the owner was issued a permit for a single-family dwelling as well as another unit under Bill 120.

At present it is an over intensification of land use. The Planning Department recommends denial.

Of 70 notices circulated, five replied in favour and nine opposed.

Alderman Caplan stated that this application should be denied. There is presently an illegal apartment in the basement.

Ron Kovacs, agent for Mr. Allan Kam, owner of the adjoining property to the north, was present. He submitted to the Chairperson correspondence on behalf of Mr. Kam.

The resident of 9 Sanders Boulevard was present. He stated that he lives one block from the subject property and speaks on behalf of the Ainsley Wood North Neighbourhood Association. He says that this application is an over-intensifaction of use and stressed to the Committee to protect the quality of the Ainsley Wood North neighbourhood.

Nitha Taylor, 26 Norfolk Street, was present. She is a 30 year resident of the area. She stated that this is a residential area and there is stress on garbage and water. The application is proposing three times the amount of people that would normally be in the building.

Lila Krevier, 10 Norfolk Street, was present. She stated that the area is the only remaining green space. She understands that the neighbourhood is diverse and that it is being shared, but parking is becoming a big problem and safety is also a concern. She stressed to the Committee to enforce the By-laws and abide by them.

Linda Grigg, 35 Thorndale Street North, was present. She supports the staff recommendation.

Phyllis Tresetor, 114 Arnold Street, was present. She stated that she is presently going to the OMB on a Committee of Adjustment matter. She requested that the Committee protect the integrity of the area and allow no further erosion of the residences.

Joy James, 87 East Avenue, was present. She works with a community association and has reported 45 property standards complaints so far this year and 75 last year. She stated that there is a problem with absentee landlords and that buildings are not fit for habitation by families or students.

Alderman Copps was concerned that it states in Mr. Cam's letter that the building does not meet the fire code.

Alderman Kiss concurred and expressed her concerns with regard to safety hazards.

As recommended in a report dated 1998 April 28 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

> That Zoning Application ZAC-98-10, Wentworth Construction Planning, applicant, for a change in zoning from "H" (Community Shopping and Commercial, etc) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block 2) to "DE" (Low Density Multiple Dwellings) District for lands located at 1516 Main Street West, as shown on the attached map marked as APPENDIX "C", be denied for the following reason:
>
> > the proposal is considered to be an over-intensification of the subject lands in that adequate buffering, landscaped area, parking and manouvering areas cannot be provided.

*** RECORDED VOTE:**

In Favour: **Aldermen D'Amico, Copps, Caplan, Corsini, Haining, Charters, Kelly, Eisenberger**

Opposed: **None**

CARRIED

4. BIA Delegations

Mr. Bradley Tye, Barton Village BIA, was present and gave a general presentation regarding BIA's. He stated that BIA's contribute to levies which promote enhanced Cityscapes. There are over 1,000 businesses which employ 4,500 people. He gave a brief synopsis of the BIA's - they are associations of property owners and once established all businesses must contribute to the levy. In many cases a tenant pays part of, or all of, the levy. They meet on a monthly or bi-monthly basis to discuss initiatives. He commended the City of Hamilton for their support of property improvements and commercial improvement programmes. Some of their recent initiatives have been:

- free parking in various areas
- 1997 toy drive
- revitalization on Barton Street
- many installations of murals
- Ottawa Street even brings out-of-town shoppers to see their specialty shops
- festivals are popular in all the areas. For example, the Concession Street BIA hosts a corn fest

BIA's also have many affiliations with community groups. They will continue to be the heart and the soul of the City of Hamilton.

Betty Toplack and Ollie Thompson were also present. Ms. Thompson stated that City Lites, the King Street East Association, is the second largest BIA in the City. She distributed correspondence with regard to the effects of vacant buildings in the BIA areas.

Alderman Caplan noted that the BIA's tax themselves in order to promote the community.

Alderman Haining stated that although City Lites is not a BIA in every sense of the word, they have a great deal of energy and enthusiasm. He stated that Bradley Tye has recently held an open house that attracted over 130 real estate people, businesspeople and developers.

Alderman Corsini added that in addition to vacancies of businesses, erosion of neighbourhoods is also a concern.

Alderman Copps stated that she is a great supporter of Hamilton businesses.

The Chairperson thanked the three delegations for attending the meeting.

5. (a) ZA97-33, 852 Upper Wentworth Street

Alderman Kelly requested, and the Committee granted, a further tabling in order that he could meet with area residents.

(b) St. Mark's Centre - Repairs to Roof and Re-Examination of Potential Uses

A discussion ensued with regard to the costs of repair and potential uses of the building.

Alderman Corsini suggested that the building could be used as a meeting place for various groups.

Alderman Copps suggested that it be referred to CAPIC for consideration in their plans.

In response to a question from Alderman Horwath, Ross Fair explained that the building has been temporarily repaired with a plastic tarpaulin and is being monitored.

Alderman Charters suggested that a comprehensive plan be developed for this property. He stated that the building could no longer be left as it is.

Alderman Kelly stated that the Committee must get specific ideas for the uses of this building.

Alderman Caplan stated that he is not prepared for an all-or-none option, but that we need a reasonable plan of action.

Ross Fair advised the Committee that the cost of retrofitting the building will be a significant amount since there are also structural problems with the building.
Nina Chapple said that there are approximately eight suggestions on the use of the building. The question between those people interested in the building is how much is the City willing to spend and how much will the potential users be required to spend to bring the building up to standards.

Alderman Eisenberger stated that the taxpayers will be required to spend a lot of money on this building if it is determined that it stays. The only other options are for the City to retrofit the building, someone else to retrofit the building or to demolish the building.

Alderman Charters stated that there has been a proposal for condominiums in this building. This may still be a viable option.

Following discussion, the Committee moved to table the matter with instructions to request staff to prepare a discussion paper outlining the cost of repair and retrofitting and a comprehensive use plan.

6. BUILDING COMMISSIONER

25 Stapleton Avenue

A submission has been received by Michael Davidson.

Alderman Wilson explained that this is more than a small nuisance. Cars are going in and out of the property on a regular basis.

Alderman Copps stated that this person has been harassed by many people in the neighbourhood. The Building Department has done the extent of what it can do.

Alderman Charters stated that the matter is becoming an issue in the City and should be dealt with as an overall, City-wide issue.

A discussion ensued about what can be done to alleviate this problem.

The Chairperson enquired from the representative from the Law Department as to proof of conducting a business. Mr. Zuidema replied that exchange of funds is a true indicator, but this is difficult to prove. He also added that regulation may be necessary but this is difficult to enforce.

Alderman Caplan stated that it is unfortunate that in order to address a few problems the rules must be changed for everyone.

Alderman Haining suggested that we regulate the type of equipment to be used not the activity itself.

Alderman Copps suggested that family connections be addressed.

Following discussion, the Committee directed staff to canvas other municipalities and to prepare a report to address potential regulation of this activity throughout the City.

7. DIRECTOR OF PLANNING AND DEVELOPMENT

City Initiative 98-A, Site Plan Control Areas

In response to a question from Alderman Caplan, Paul Mallard advised that this does not reduce the City's ability to control what happens, it increases it. Mr. Mallard added that since there is no requirement for notification of the public meeting the recommendation should be amended to include publication of information in the newspaper.

The Committee concurred and recommended to Council as follows:

(a) That approval be given to City Initiative 98-A to amend By-law No. 79-275 establishing Site Plan Control, as amended by By-law No. 87-223, on the following basis:

(i) That SCHEDULE "A" to By-law No. 79-275 be amended by adding the "H" (Community Shopping and Commercial, Etc.) District between the "G-4" District and the "HH" District, and adding the "U" (University) District at the end thereof; and,

(ii) That section 1 of By-law No. 79-275 be amended by adding the following new subsections:

> The "AA" (Agricultural) District is hereby designated as a site plan area, and the following classes of development may be undertaken within the District without the approval of plans and drawings otherwise required under subsection 41.(4) of The Planning Act, R.S.O., 1990:

All Residential uses, Institutional uses, Commercial uses, Farming uses, Miscellaneous and Incidental uses, Certain Uses Not Restricted, Public uses except for churches and schools.

(iii) The "B" (Suburban Agriculture and Residential, etc.) District is hereby designated as a site plan area, and the following classes of development may be undertaken within the District without the approval of plans and drawings otherwise required under subsection 41.(4) of The Planning Act, R.S.O., 1990:

All Residential uses, Institutional uses, Commercial uses, farming uses, Miscellaneous and Incidental uses, Certain Uses Not Restricted, Public uses except for churches, schools, colleges and universities.

(iv) The "C" (Urban Protected Residential, etc.) District is hereby designated as a site plan area, and the following classes of development may be undertaken within the District without the approval of plans and drawings otherwise required under subsection 41.(4) of The Planning Act, R.S.O., 1990:

All Residential uses, Institutional uses, Miscellaneous or Incidental uses, Certain Uses Not Restricted, Public uses except for churches and schools.

(b) That By-law 87-223 to amend By-law 79-275 respecting Site Plan Control Areas be repealed; and,

(c) That By-law 79-275 be amended by deleting the first preamble and inserting the following:

"WHEREAS section 41 of The Planning Act, R.S.O., 1990, provides as follows:

Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law designate the whole or any part of such area as a site plan control area.

(d) That a by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34;" and,

(e) That subsection 2 of By-law 79-275 be deleted and the following substituted therefore:

"For the purpose of this by-law, the following classes of development mentioned in subsection 41(1) of The Planning Act, R.S.O., 1990, may be undertaken without approval of plans and drawings otherwise required under subsection 41(4) of the said Act.

1. single-family dwellings;

2. two-family dwellings."

(f) That the City Solicitor be directed to prepare a By-law to amend By-law No. 79-275 for presentation to City Council; and

(g) That the proposed changes to the by-law are in conformity with Official Plan for the City of Hamilton Planning Area; and,

(h) That an Information Notice regarding the Decision of Council be published in the newspaper.

8. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the Special meeting held 1998 April 14 and regular meeting held April 22 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Village Business Improvement Area (B.I.A.) - Board of Management 1998-2000, dated 1998 April 30:

(a) That Schedule 'A' of By-law 98-118 as amended, appointing the Barton Village B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'A'

Alderman B. Morelli
Alderman D. Haining
Alderman A. Horwath
Alderman R. Corsini

(b) That the City Solicitor be authorized and directed to amend Schedule 'A' of By-law 98-118 pursuant to (a) above.

C. BUILDING COMMISSIONER

54 King Street East - Gore Heritage 2000 Program, dated 1998 April 23:

(a) That a grant under the Gore Heritage 2000 Program in the amount of $20,000 to Fortunata Rosalia Cotroneo and Susy Anna Cotroneo, registered owners of 54 King Street East be approved for facade improvements; and,

(b) That in respect of the stone masonry conservation work, the repairs only be funded if the repairs have been made by a contractor who has an approved Regional Trade Licence.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Request for Extension of Exemption from Part-Lot Control "Wisemount Estates, Phase 7" Subdivision, Registered Plan No. 62M-794, dated 1998 April 24:

(i) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc., owner (A. DiSilvestro), for a 1 year extension for exemption from part-lot control for the purpose of establishing maintenance easements for Lots 5, 6, and 7, located in "Wisemount Estates, Phase 7", Registered Plan No. 62M-794, as shown on APPENDIX "D"; and,

(ii) That the appropriate by-law, to extend the removal of part-lot control until June 1, 1999 for Lots 5, 6 and 7, Registered Plan 62M-794, "Wisemount Estates, Phase 7" plan of subdivision, be enacted by Council.

(b) Proposed Draft Plan of Condominium, CDM-98-01, by Luft Enterprises Inc. for 630-636 Main Street East, dated 1998 April 23:

(i) That approval be given to application CDM-98-01 (Regional File 25CDM-98001), Luft Enterprises Inc., applicant, to establish a draft plan of condominium, located at the south-west corner of Main Street East and Burris Street, and known municipally as 630-636 Main Street East, as shown on the attached map marked as APPENDIX "E", to provide for a condominium comprised of a total of 6 residential apartment units and 4 commercial units within the existing two storey building, subject to the following conditions:

(1) That this approval apply to the attached draft plan prepared by R. Avis Surveying Inc. and certified by R. Avis, O.L.S., dated December 5, 1997, showing a total of 6 residential apartment units and 4 commercial units within an existing two storey building, and revised as shown; and,

(2) That a minimum of 7 parking spaces shall be identified as common area on the final plan; and,

(3) That the owner enter into an encroachment agreement with the City of Hamilton for the existing concrete window wells which encroach into the Burris Street road allowance, to the satisfaction of the Manager of Development, Development Engineering Section, Regional Environment Department; and,

(4) That prior to approval of the final plan:

(a) Property taxes shall be in good standing.

(b) The owner shall make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for in the Planning Act.

(c) That any variances required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593.

(5) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(ii) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(c) **Proposed Draft Plan of Condominium CDM-98-02/25CDM-98003, Harlowe Road Industrial Condominium Conversion - 16 Harlowe Road, dated 1998 April 28:**

(i) That approval be given to application CDM-98-02 (Regional File 25CDM-980003), 829030 Ontario Ltd. (Gordon Albini), owner, to establish a draft plan of condominium, located at the south east corner of Harlowe Road and Anchor Road, and known municipally as 16 Harlowe Road, as shown on the attached map marked as APPENDIX "F", to provide for a condominium comprised of a total of 5 industrial units within the existing one storey building, subject to the following conditions:

(1) That this approval apply to the attached draft plan prepared by Bryan Jacobs, O.L.S., dated February 23, 1998, showing a total of 5 industrial units within an existing one storey building; and,

(2) That the applicant be required to enter into a Site Plan Agreement with the City and that the Condominium Corporation be required to enter into and register on title (prior to the sale of any unit) the Agreement of the Condominium corporation to assume and be bound by the Site Plan Agreement; and,

(3) That the applicant enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(4) That the owner remove the existing landscape boulders from within the existing road allowance adjacent to the site, or that the owner enter into an Encroachment Agreement with the City of Hamilton to the satisfaction of the Commissioner of Regional Transportation Department; and,

(5) That prior to approval of the final plan:

(a) Property taxes shall be in good standing.

(b) That any variances required in respect to the draft plan of condominium shall receive final approval by the Committee of Adjustment, in order that the draft plan of condominium is in compliance with the General Zoning By-law No. 6593.

(c) That the applicant apply for and receive approval of a revised Site Plan Control application for DA-90-27.

(6) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(ii) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(d) Request for One Year Extension for the Approval of Site Plan Control Application DA-95-21 for an Addition to the Existing Development for St. Peter's Hospital, 88 Maplewood Avenue, dated 1998 April 23:

That approval be given to the request by St. Peter's Hospital, owner, at 88 Maplewood Avenue, as shown on the attached map marked as Appendix "G", for an extension to the approval of Site Plan Control Application DA-95-21 to May 30, 1999, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

(e) Procedures for the Identification/Remediation of Potentially Contaminated Sites Under the Planning Act Review Process

Alderman Copps stated that we should have some assurance that the City has the first right.

Bill Janssen added that this recommendation gets applicants to recognize that they are liable for remediation.

Alderman Charters clarified that the issue is to make sure that we are indemnified with regard to the property. It protects the City and the Region.

Alderman Copps was concerned that there should be some security so that the City is not left liable for any potential contamination.

As recommended in a report dated 1998 April 28, the Committee recommended to Council as follows:

That the following new owner acknowledgment and responsibility clauses be incorporated into the City's standard site plan agreement:

"1. (a) The Owner represents that its obligations under the Ministry of Environment and Energy "Guidelines for Use at Contaminated Sites in Ontario" (February, 1997) have been met; and,

(b) The Owner agrees to, at all times, indemnify and save the City harmless from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings made, brought against, suffered by or imposed on the City in respect of any failure by the Owner to fulfil its obligations in respect of the land described in Schedule "A" hereto under this Agreement, or at law, for soil contamination (if any) and/or remediation of such contamination."

E. CITY CLERK

1998 Annual Conference of the Association of Committees of Adjustment, dated 1998 April 17:

That the Chairman of the Committee of Adjustment or his nominee and other member of the Committee of Adjustment be authorized to attend the 1998 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for four days, 1998 May 31 and 1998 June 1 - 3 in Sarnia, Ontario at an expense not to exceed $900 each to be charged to Account No. CH55201-10010, Legislative Travelling.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1998 April 29 and received the following items which were previously forwarded to members of the Committee under separate cover:

(a) Building Commissioner re: Residential Rehabilitation Assistance Program - Five Year Extension of Program, dated 1998 April 22.

(b) Director of Planning and Development re: Site Plan Control Application, dated 1998 April 23.

9. OTHER BUSINESS

Alderman Charters was concerned that there is an error a By-law for a property located at Upper Wellington and Fennell and this By-law must be repealed and passed once again.

10. ADJOURNMENT

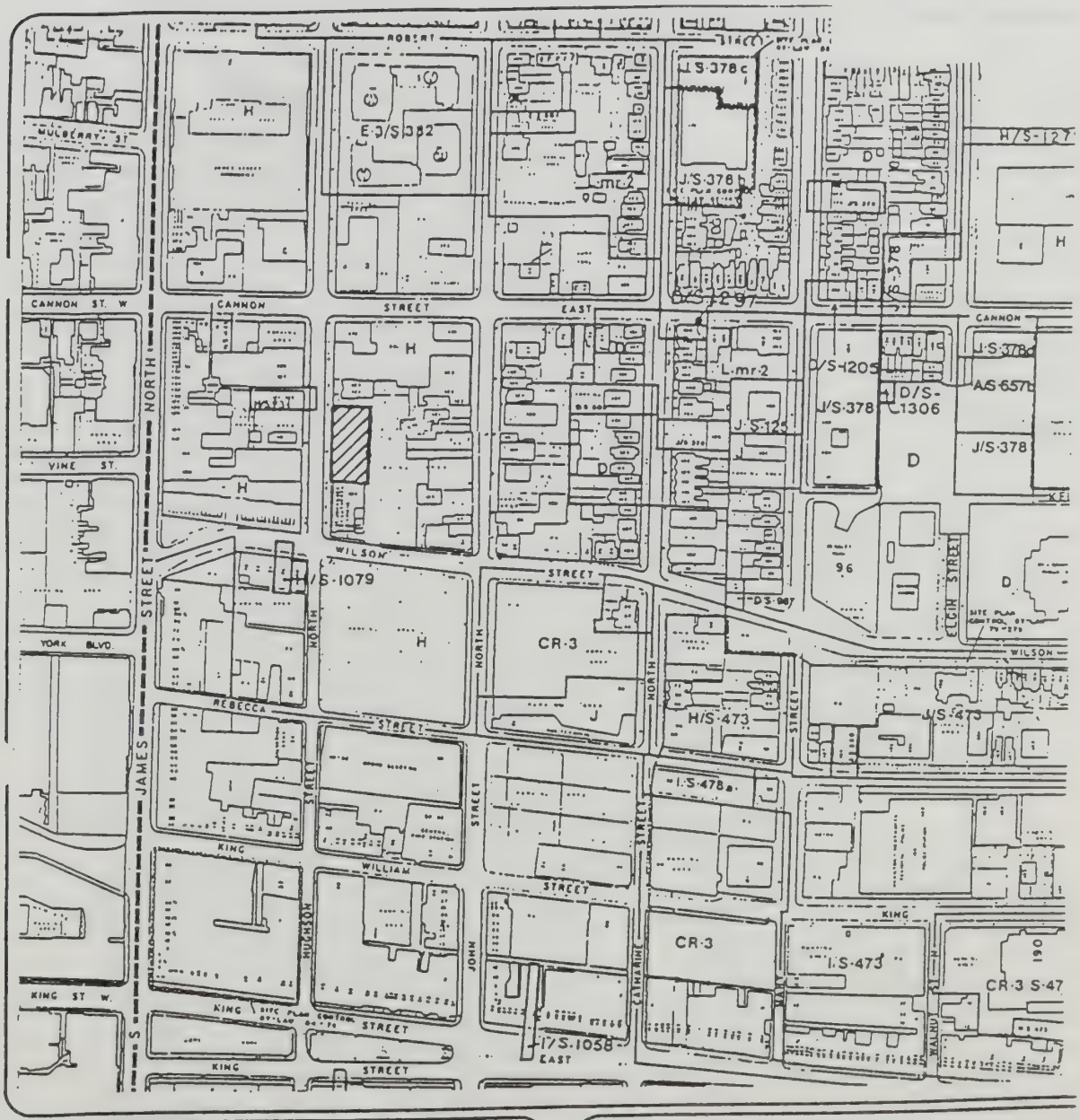
There being no further business, the Committee meeting adjourned.

Alderman F. D'Amico, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in
Section 1(a) of the Planning and
Development Committee Minutes
dated 1998 May 6



Legend

Site of the Application

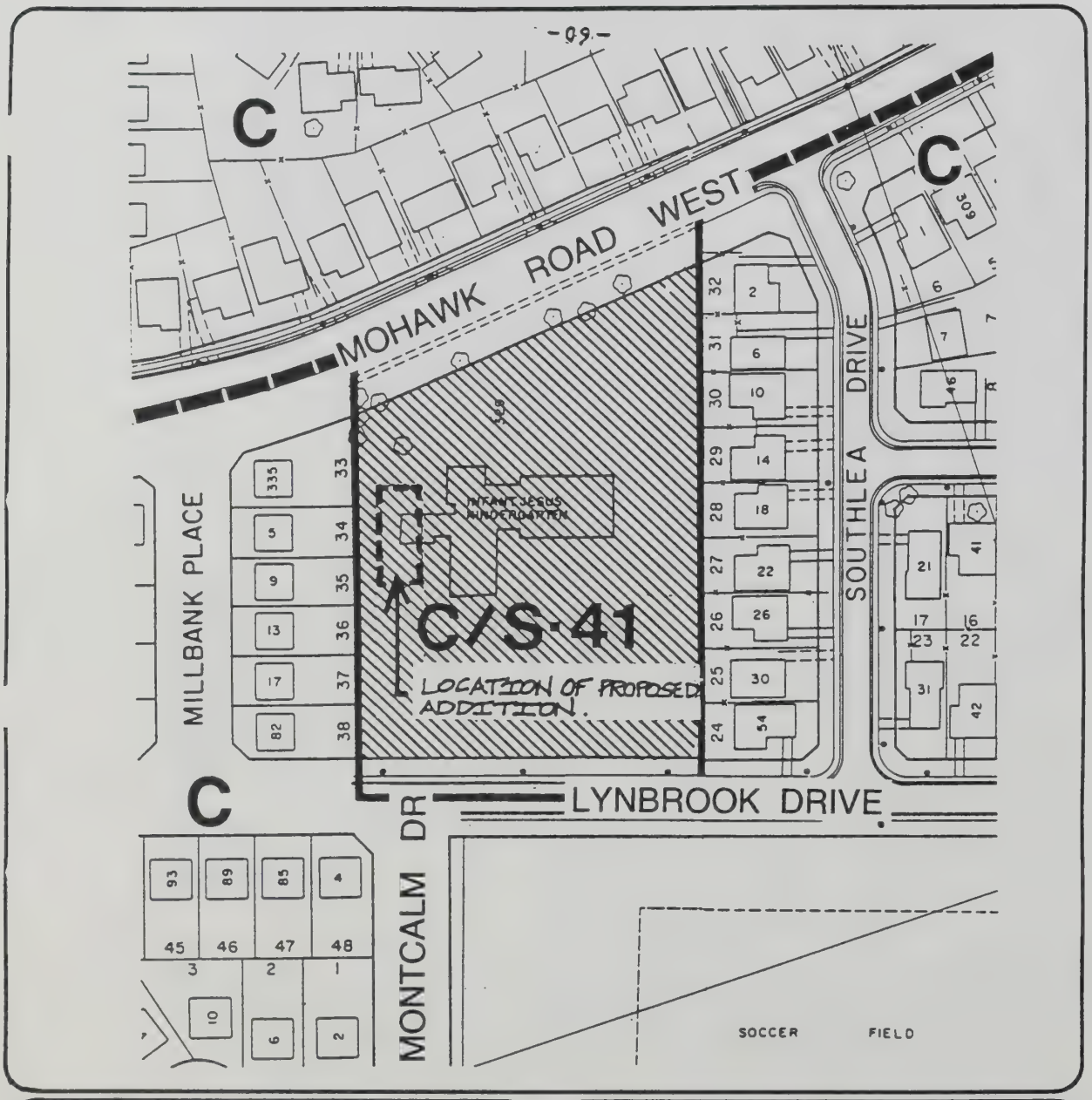
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No
	NOT TO SCALE	ZAC-98-08
	Date	Drawn By
	FEBRUARY, 1998	D.L.

Appendix "B" as referred to in
Section 2(a) of the Planning
and Development Committee Minutes
dated 1998 May 6



Legend

Further modification to the "C" (Urban Protected Residential, etc.) District.

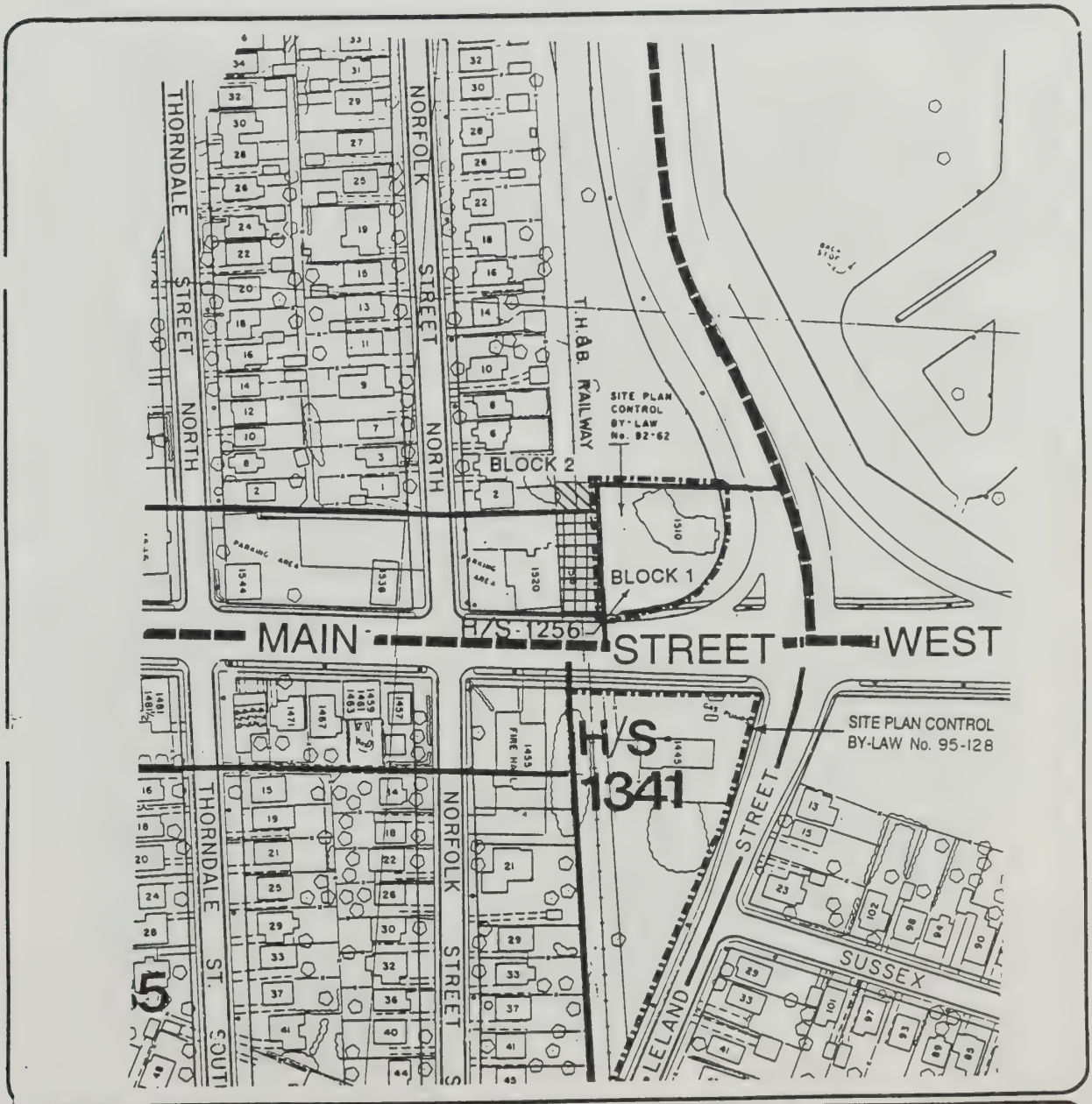
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-36
	Date	Drawn By
	NOVEMBER, 1997	F.A.

Appendix "C" as referred to in
Section 3 of the Planning
and Development Committee Minutes
dated 1998 May 6



Legend

BLOCK 1 From "H" (Community Shopping and Commercial, etc.) District To "DE"(Low Density Multiple Dwellings) District, Modified.

BLOCK 2 From "C (Urban Protected Residential, etc.) District, To "DE"(Low Density Multiple Dwellings) District, Modified.

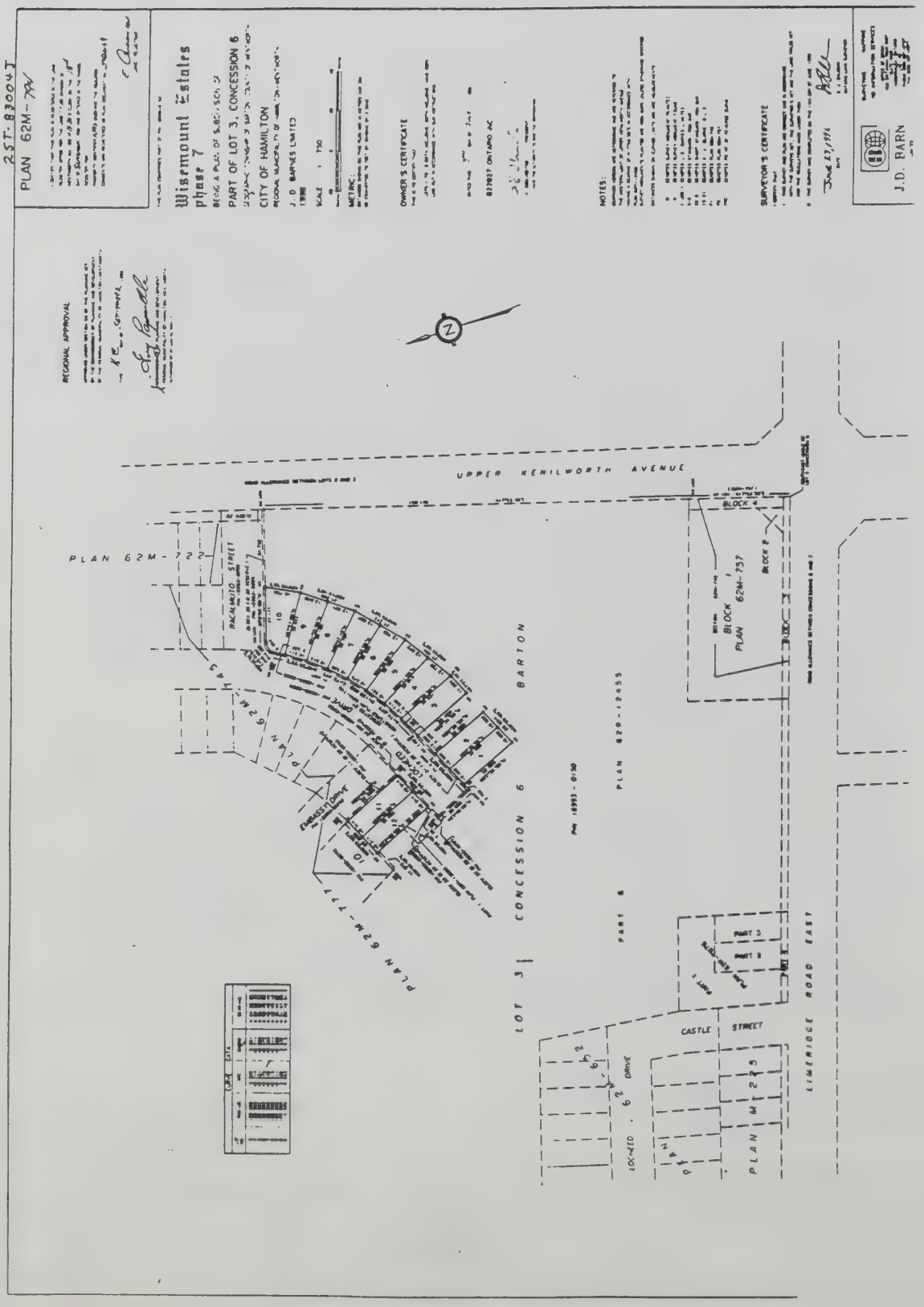
City of Hamilton

Location Map

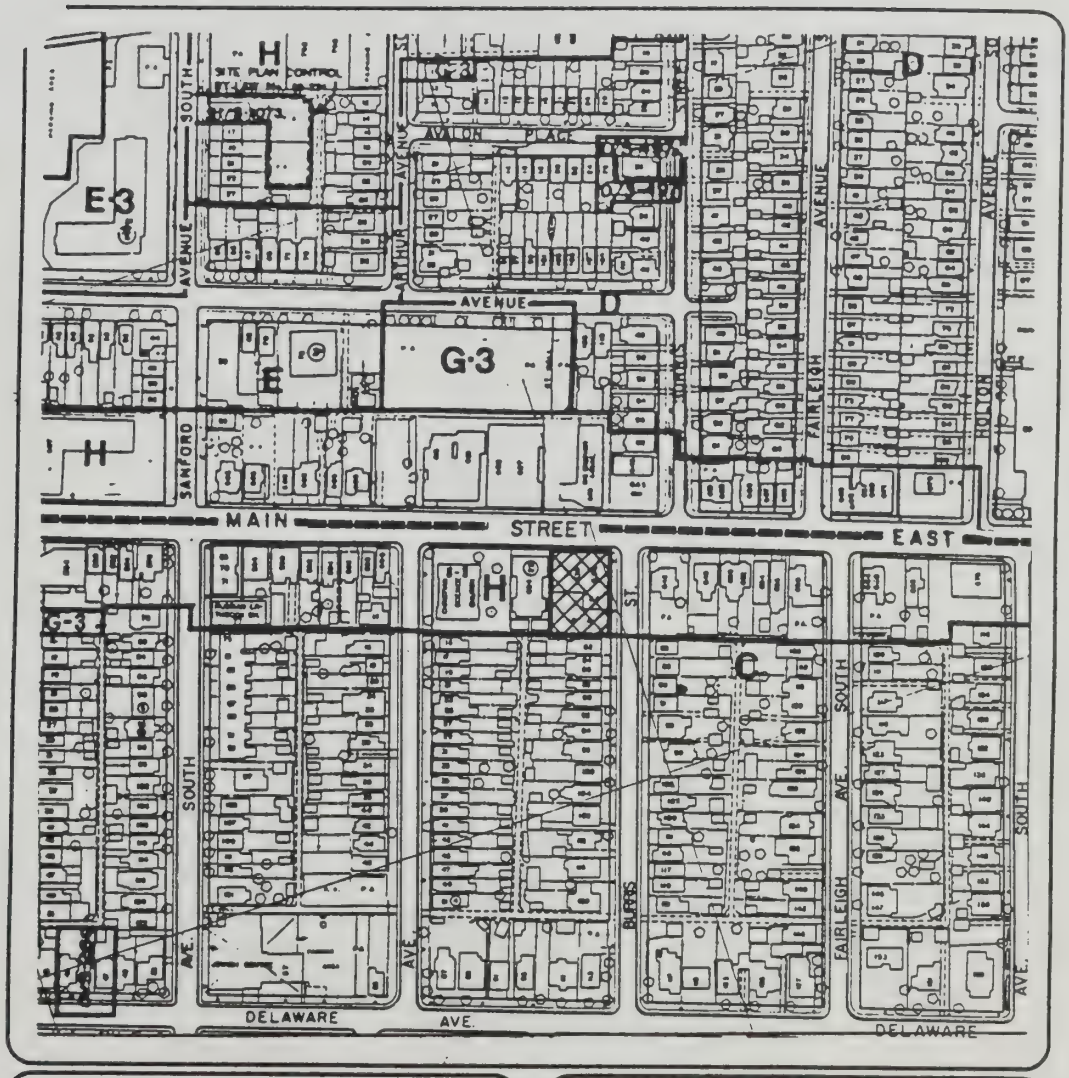
Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-10
	Date	Drawn By
	March 1998	R. L.

Appendix "D" as referred to in
Section 8D (a)(i) of the Planning and
Development Committee Minutes
dated 1998 May 6



Appendix "E" as referred to in
Section 8A (b)(i) of the Planning
and Development Committee Minutes
dated 1998 May 6



Legend

Site of the Application

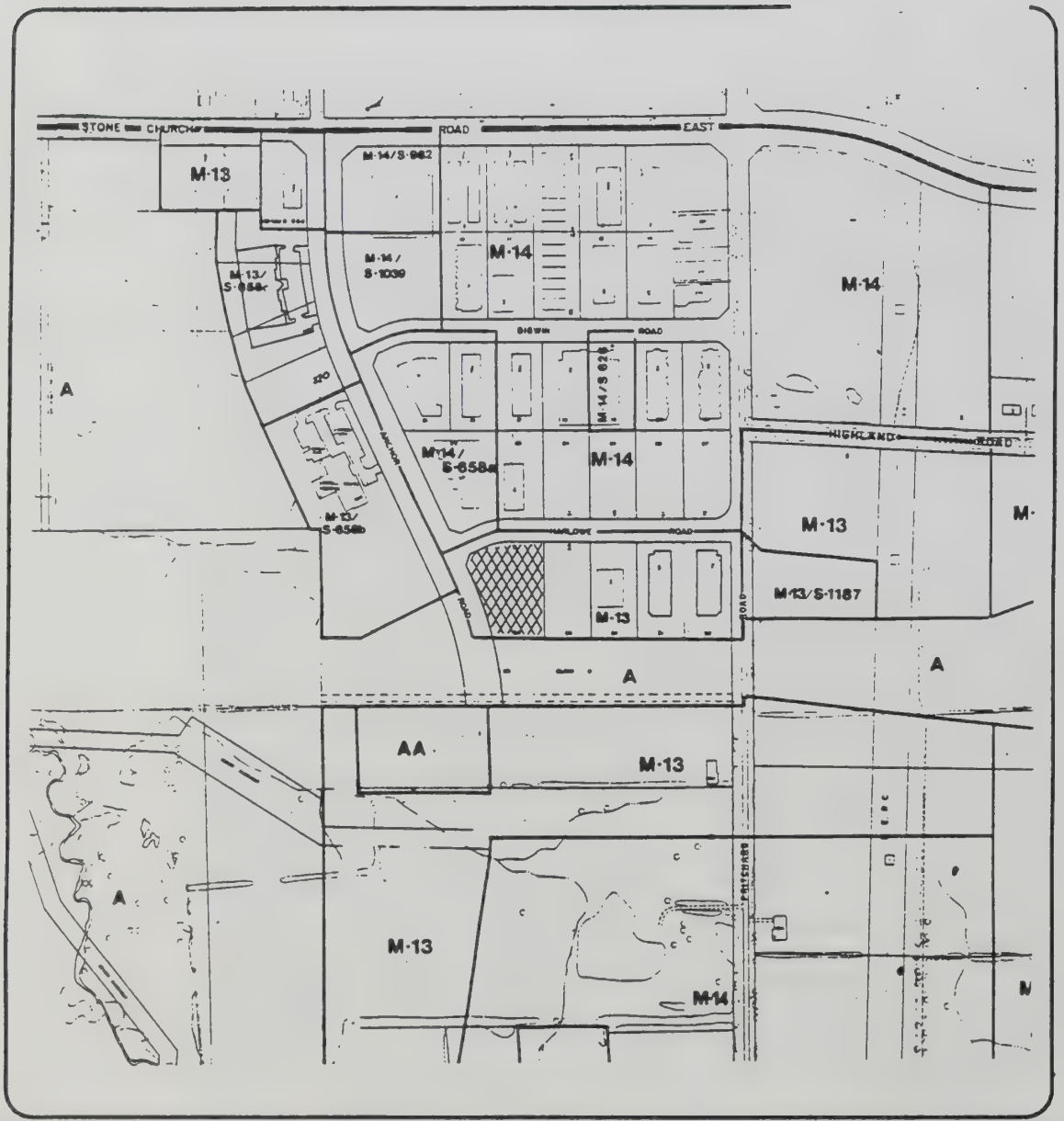
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	CDM-98-01
	Date	Drawn By
	APRIL, 1998	B.B.

Appendix "F" as referred to in
Section 8D (c)(i) of the Planning
and Development Committee Minutes
dated 1998 May 6



City of Hamilton

Location Plan For

16 Harlowe Road

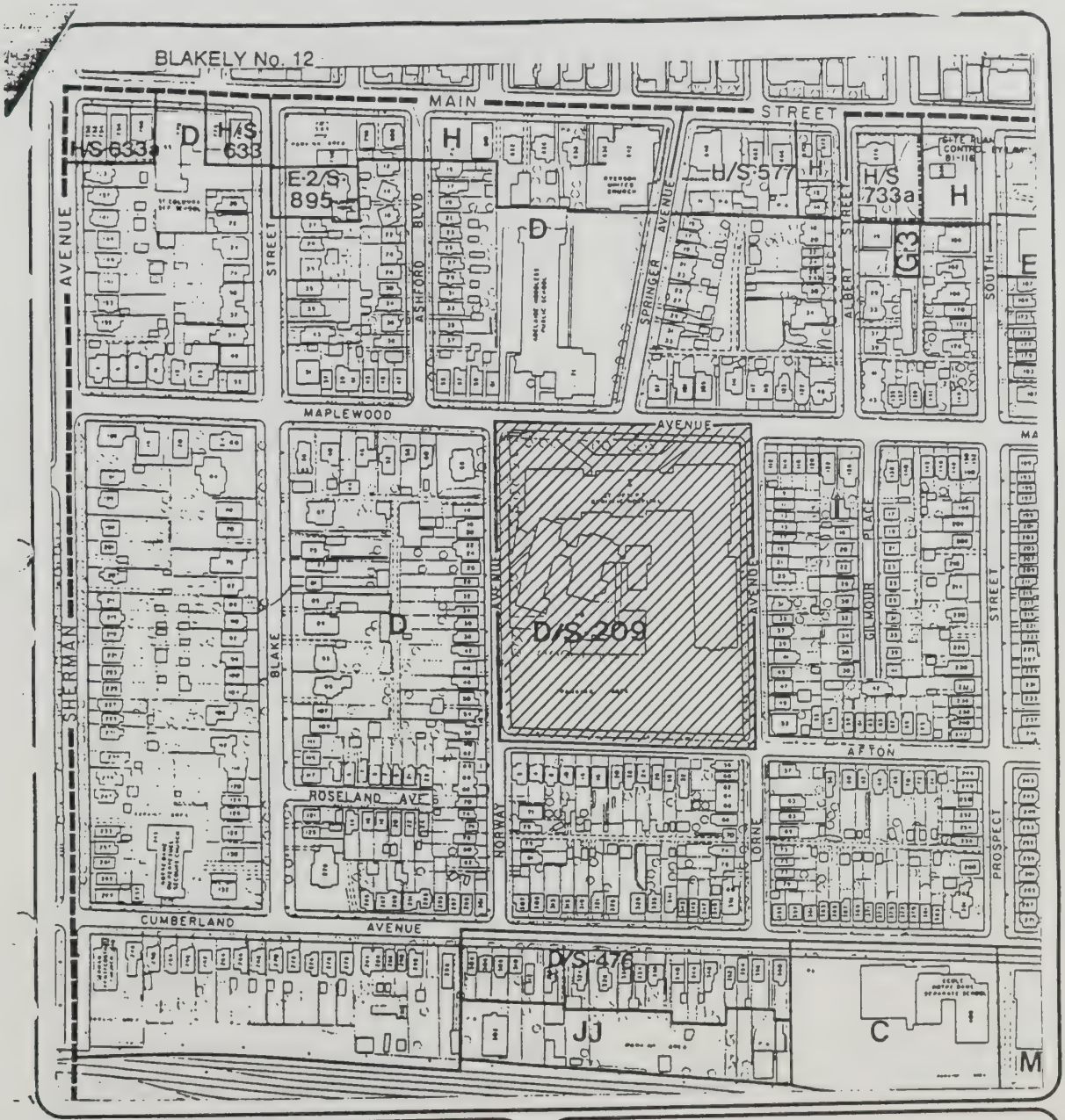
Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM-98-02
	Date	Drawn By
	April 1998	FAB

Appendix "G" as referred to in
Section 8D (d) of the Planning and
Development Committee Minutes
dated 1998 May 6



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-95-21

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-95-21
	Date	Drawn By
	JULY 1995	D.L.

B i)

CITY OF HAMILTON

- RECOMMENDATION -

MAY 1 2 1998

DATE: 1998 May 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization (98.2.14, 98.2.4.2.1.A)

RECOMMENDATION:

a) That the remainder of the 1998 Festival Allocation be approved towards the Barton Village BIA Post-Promotional Reception Follow-up Budget in Schedule A as part of the Festival component of the Barton Street Revitalization Program; and,

b) That the City Treasurer be authorized and directed to forward $2,989.79 to the Barton Village BIA.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $400,000 has been provided by the Province for the revitalization program. The Province of Ontario has provided a total of $1,000,000 directly to the City of Hamilton over the past three (3) years. Full funding for the street festival has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals and street enhancement.

.../2

As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. This proposal was approved by Council and a yearly budget of $40,000 was provided for street festivals.

The resolution approved by Council states as follows:

> The City will provide up to $40,000 yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
>
> Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. wishes to use the remainder of the 1998 Festival Allocation of $2,989.79 towards the Barton Village BIA Post Promotional Reception Follow-up. The Barton Village BIA held a Promotion Reception on 1998 April 20. The purpose of this event is to maintain the momentum gained by the Promotional Reception and follow-up with those who have shown further interest in the area. The estimated total cost of the Post Promotional Reception Follow-up will be approximately $3,165 with the remainder of the cost being funded from the Barton Village BIA.

LCK/dc
encl.

c.c. Allan C. Ross, Treasurer
Doug Lobo, Director of Public Works and Traffic

Schedule A

Barton Village BIA Post Promotional Reception Follow-up

1998 June

Banquet Hall/Food/Refreshments	$ 450
Folders and Inserts	$1,100
Invitations and Postage	$1,100
Miscellaneous Office Supplies	$ 100
Sub-total	$2,750
10% Contingency	$ 415
TOTAL	$3,165

B ii)

CITY OF HAMILTON

- RECOMMENDATION -

MAY 1 2 1998

DATE: 1998 May 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
536 Concession Street (98.2.4.2.1.A)

RECOMMENDATION:

That a loan increase of eight thousand, nine hundred and eighty-six dollars ($8,986) to Patricia Woolcott for improvements to 536 Concession Street be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $21,318. The interest rate is set at 3.25 per cent, amortized over ten years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council at their meeting held 1998 January 27 approved a loan application under the subject program in the amount of $12,332. Subsequently, the applicant has met the criteria for additional work costing $8,986. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a loan of $21,318. Security: Promissory note and lien. The loan is to be amortized over 10 years at 3.25 per cent interest with a combined monthly payment of $206.69.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

C i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 May 12
ZAR-98-17
Southam Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.R.P.,
Director, Planning and Development Department

SUBJECT: Request for removal of an 'H' Holding provision - 21 Brantdale Avenue

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAR-98-17, 1186559 Ontario Inc. (Hai Chaw Wah), owner, requesting removal of the 'H' - Holding provision under Section 36(1) of the Planning Act, R.S.O., 1990, to permit the development of the subject lands for ten (10) single family dwellings, for property located at 21 Brantdale Avenue, as shown on the attached map marked as APPENDIX "A"; and,

(b) That the attached by-law marked as APPENDIX "C", prepared by the Director of Planning, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 as amended by By-law No. 98-61, and Zoning District Map W-7, be forwarded to Council for adoption.

EXPLANATORY NOTE:

The purpose of the proposed By-law is to remove the 'H' - Holding symbol, for lands located at 21 Brantdale Avenue, as shown on the attached map marked as APPENDIX "A". The 'H' - Holding provision was placed on the subject lands until the owner submitted a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District, modified, the "C" District, modified and the "C" District provisions by enactment of an

amending by-law once the condition is fulfilled.

The effect of the by-law is to permit the development of the subject lands for five (5) small lot single family dwellings and five (5) single family dwellings.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Zoning By-law No. 98-061

City Council, on February 10, 1998, passed By-law No. 98-061 which changed the zoning of the lands at 21 Brantdale Avenue, as shown on APPENDIX "B", on the following basis:

Block "1" - From "C" (Urban Protected Residential, etc.) District to "R-4"-'H' (Small Lot Single Family Detached - Holding) District, modified;

Block "2" - From "C" (Urban Protected Residential, etc.) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District, modified; and,

Block "3" - From "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District.

The effect of the By-law is to permit five (5) small lot single family detached dwellings (Block "1") and five (5) single family detached dwellings (Blocks "2" and "3") with the following variances:

Block "1"- a minimum average lot width of 9.0 m; and,

Block "2"- a minimum lot width of at least 11.43m and a minimum lot area of 318 m^2.

The 'H' Holding provision was placed on the subject lands until the owner submitted a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

APPLICANT:

1186559 Ontario Inc (Hai Chaw Wah), owner.

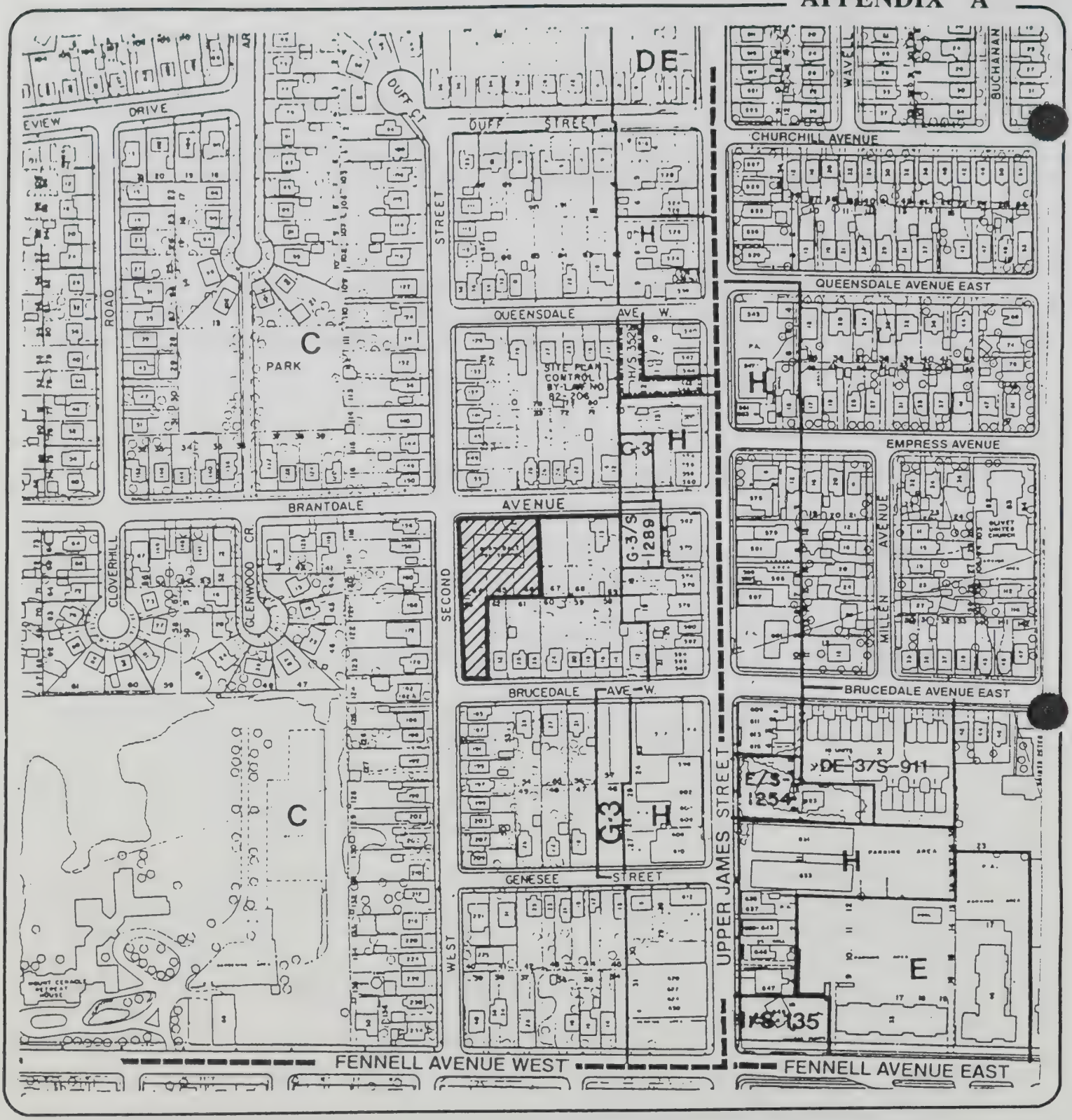
COMMENTS:

The Ministry of Environment (MOE) and the Region have advised that they have received the Record of Site Condition (RSC) and are satisfied with the RSC. Further, the MOE has acknowledged receipt of the RSC. On this basis, the condition for removal of the 'H' Holding condition for Blocks "1", "2" and "3" has been met.

CONCLUSION:

Based on the foregoing, the removal of the 'H'- Holding provision can be supported.

ZAR-98-17
CLF



City of Hamilton
Location Plan For

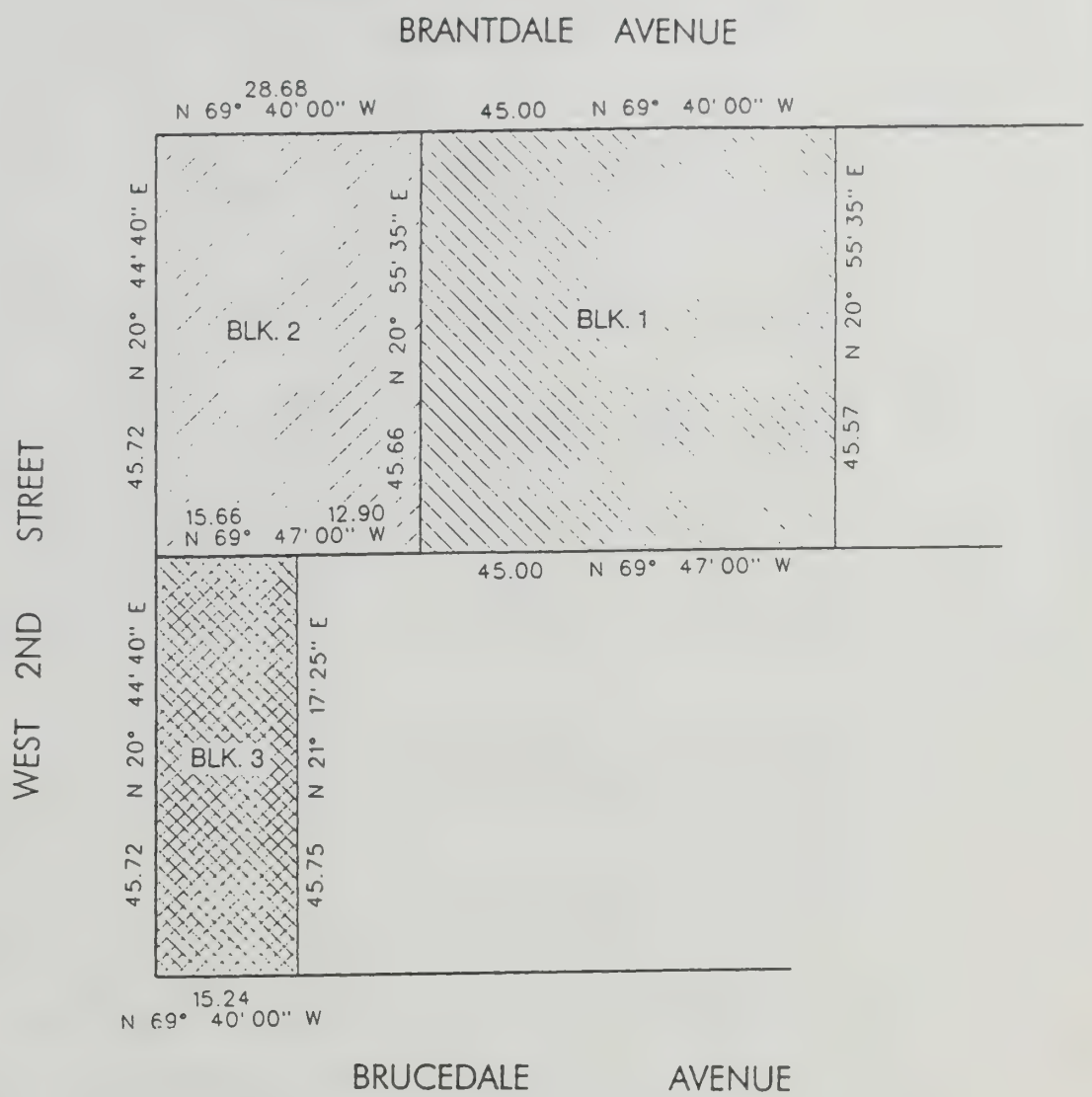
Location Map

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File number
	Not to Scale	ZAR-98-17
	Date	Drawn By
	May 1998	D. L.



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-061
Passed the 10th day of February, 1998.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-061
to Amend By-Law No.6593

Planning and Development Department

Legend
Change in zoning from:

BLK. 1 — "C" (Urban Protected Residential, etc.) District to "R-4"-"H" Small Lot Single Family Detached - Holding) District, Modified.

BLK. 2 — "C" (Urban Protected Residential, etc.) District to "C"-"H" (Urban Protected Residential, etc. - Holding) District, Modified.

BLK. 3 — "C" (Urban Protected Residential, etc.) District to "C"-"H" (Urban Protected Residential, etc. - Holding) District.

North	Scale	Reference File No
	Not to Scale	ZAC-97-30
	Date	Drawn By
	Feb 1998	R L

APPENDIX "C"

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593
As Amended By-law Zoning By-law No. 98-061

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 21 BRANTDALE AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-061 on the 10th day of February 1998 to rezone Block 1 from "C" (Urban Protected Residential, etc.) District to "R-4" - 'H'(Small Lot Single Family Detached - Holding) District, modified, Block 2 from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified and Block 3 from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, and to establish special requirements with respect to Blocks 1 and 2, the extent and boundaries of each of which Blocks are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS section 2 of By-law No. 98-061 provides that upon the owner submitting a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE for Blocks 1, 2 and 3, the 'H' symbol shall be removed by amendment to By-law No. 98-061;

AND WHEREAS receipt and acknowledgment of the Record of Site Condition by the Region and the Ministry of Environment have been completed;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item of the th Report of the Planning and Development Committee at its meeting held on the 26th day of May, 1998 directed that By-law No. 98-061 be amended to remove the 'H' (Holding) symbol in respect of the subject lands;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 98-061, passed on the 10th day of February, 1998, to Blocks 1, 2 and 3, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 98-061 and forming part thereof, is hereby removed, and the development of the lands may proceed in accordance with the "R-4" (Small Lot Single Family Detached) District, the "C" (Urban Protected Residential, etc.) District, modified and the "C" (Urban Protected Residential, etc.) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in sections 3. and 4. of By-law No. 98-061.

2. Sheet No. W-7 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 98-061, is further amended by

changing Block 1 from "R-4" - 'H' (Small Lot Single Family Detached - Holding) District to "R-4" (Small Lot Single Family Detached) District, Block 2 from "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified to "C" (Urban Protected Residential, etc.) District, modified and Block 3 from "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc) District, the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "R-4" District and "C" District provisions, subject to the special requirements referred to in sections 3. and 4. of By-law No. 98-061.

4. By-law No. 6593, as amended by By-law No. 98-061, is further amended by adding this by-law to section 19B as Schedule S-1393a.

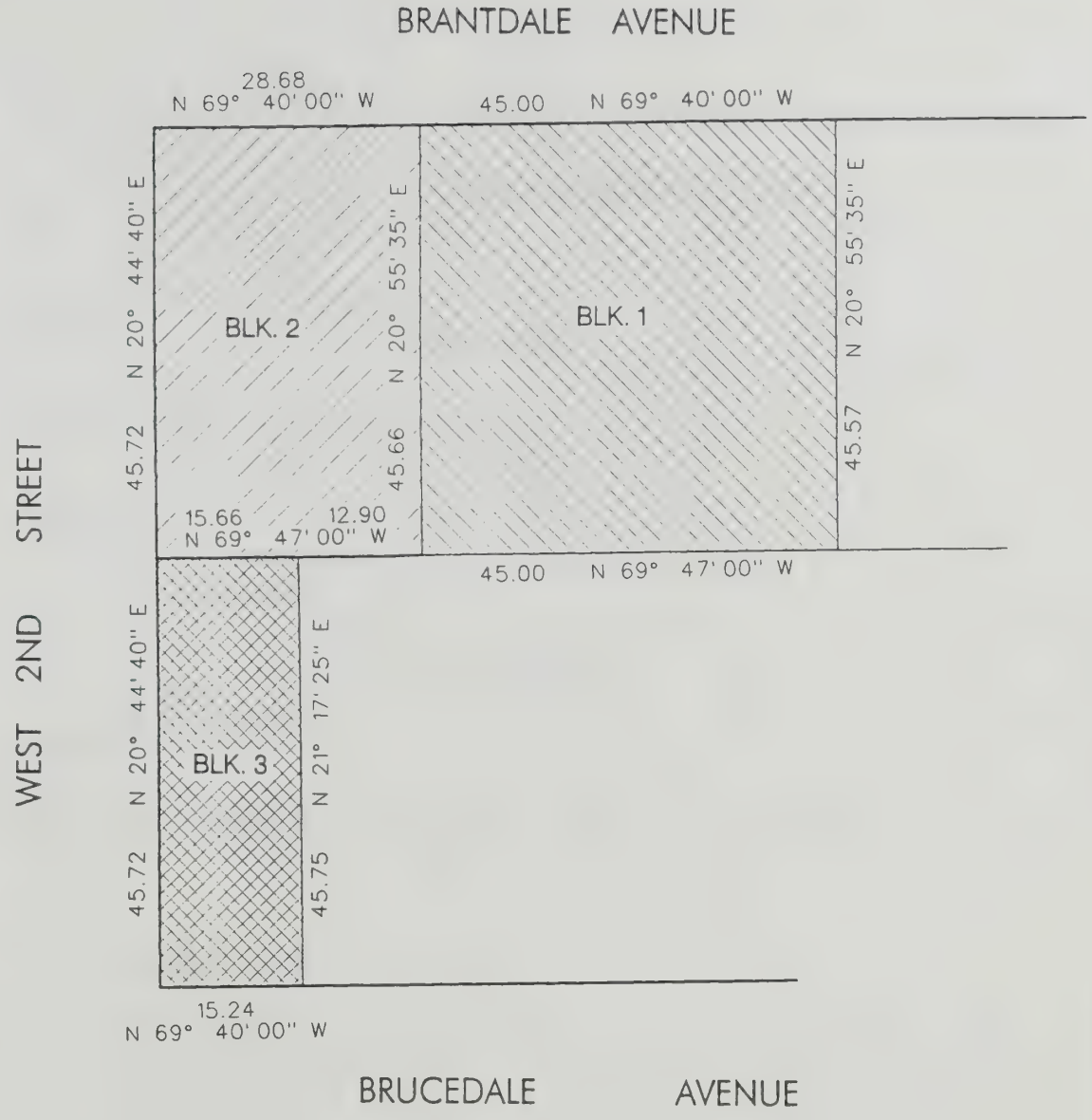
5. Sheet No. W-7 of the District Maps, as amended by By-law No. 98-061, is amended by marking the land referred to in section 2. of this by-law, S-1393a.

6. In all other respects, By-law No. 98-061 is hereby confirmed, unchanged.

PASSED this day of A. D. 1998.

CITY CLERK MAYOR

(1998) R.P.D.C. , May 26
1186559 Ontario Inc. (Hai Chaw Wah), owner
ZAR-98-17



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the ..... day of ....., 1998.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-.....
to Amend By-Law No.6593
as Amended by By-Law No. 98-061

Planning and Development Department

Legend
Change in zoning from:

BLK. 1 — "R-4"-'H' Small Lot Single Family Detached - Holding) District, Modified to "R-4" (Small Lot Single Family Detached) District, Modified.

BLK. 2 — "C"-'H' (Urban Protected Residential, etc. - Holding) District, Modified to "C" (Urban Protected Residential, etc.) District, Modified.

BLK. 3 — "C"-'H' (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District.

North	Scale	Reference File No.
	Not to Scale	ZAR-98-17
	Date	Drawn By
	May 1998	R.L.

C ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 May 7
(CDM-CONV-98-002)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Proposed Draft Plan of Condominium by 1167829 Ontario Limited -
141 Catherine Street South, Corktown Neighbourhood

RECOMMENDATIONS:

a) That approval be granted to application CDM-CONV-98-002 submitted by 1167829 Ontario Limited (D. Vranich), owner, for a draft plan of condominium for property located at No. 141 Catherine Street South, as shown on the attached map marked as APPENDIX "A", to provide for a condominium apartment building comprised of a 58 apartment units, subject to the following conditions:

i) That this approval applies to the attached draft plan dated December 3, 1997 (APPENDIX "B") prepared by R. Avis Surveying Inc., O.L.S.;

ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

iii) That prior to approval of the final plan,

aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of

condominium is in compliance with General Zoning By-law 6593; and,

cc) the closed approach shall be removed and the sidewalk and the boulevard shall be restored to the satisfaction of the Director of Public Works and Traffic;

iv) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

v) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.

c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

1167829 Ontario Limited (D. Vranich), owner,

Surveyor -

R. Avis Surveying, Willowdale,Ontario

Location -

The lands known municipally as No. 141 Catherine Street South, comprising 0.15 hectares, in the Corktown Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert the 10 storey apartment building containing 58 apartment units to condominium status.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - The lands are identified as "Urban" on Map 1 - the Regional Development Pattern. The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

Neighbourhood Plan - The lands are designated primarily "High Density Apartments" according to the Corktown Neighbourhood Plan. The proposal complies.

City of Hamilton Zoning By-law - The lands are zoned "E-3" (High Density Multiple Dwellings) District and "D" (Urban Protected residential, etc. - One and Two Family Dwellings, etc.) District. The proposal complies with the "E-3" and "D" District provisions.

Site Plan Control - The lands are under Site Plan Control By-law No. 79-275, as amended by By-law No. 90-285.

Rental Housing Protection Act - Application CD-97-001 was approved by Council on July 8, 1998 subject to several conditions. The owner secured the necessary Certificate of Approval on March 3, 1998.

COMMENTS FROM CIRCULATION

- The following agencies had no comments or objection toward the proposal:

  - Bell Canada
  - Regional Environment Department (Planning Division)
  - Region of Hamilton Wentworth Treasury Management Department

- The Building Department has submitted the following comments:

  "1. Presently the recognized use is a fifty-seven (57) unit multiple dwelling with forty-seven (47) parking spaces and one (1) loading space.

  2. An application to the Committee of Adjustment has been submitted to this Department to allow for alterations and conversions to the building to allow for a new total of fifty-eight (58) dwelling units. The application is scheduled for the meeting of February 18, 1998."

- The Regional Environment Department Development Division) has advised that:

  "1. That the applicant/owner comply with our previous comments forwarded by the Planning and Development Department dated December 19, 1996.

  2. That the applicant/owner complete the landscaping/paving agreement as a condition of condominium conversion approval."

- The Traffic Division of the Public Works and Traffic Department has advised that:

  "We have no objection to the proposed conversion of the subject property to condominium, however, there are outstanding issues related a previous Committee of Adjustment Application, A96:253, related to the removal of a closed driveway approach. In order to ensure that the outstanding issues are resolved, we recommend that the removal of the closed driveway be included as a condition of approval of the proposed condominium conversion."

COMMENTS:

1) The applicant wishes to convert 58 existing apartment units to 58 condominium townhouse units on the subject property. To complete this process, the applicant first acquired approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then applied to the City's for approval under the Condominium Act for the legal division of the property.

   On July 8, 1997, Council approved application CD-97-001 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. The conditions were fulfilled and the owner has received his Certificate of Approval from the City which was registered on March 3, 1998.

2) The comments from the Regional Environment Department indicate that a landscaping/paving agreement will be required prior to the approval of the condominium. This condition has been satisfied and therefore, is not included in the recommendation.

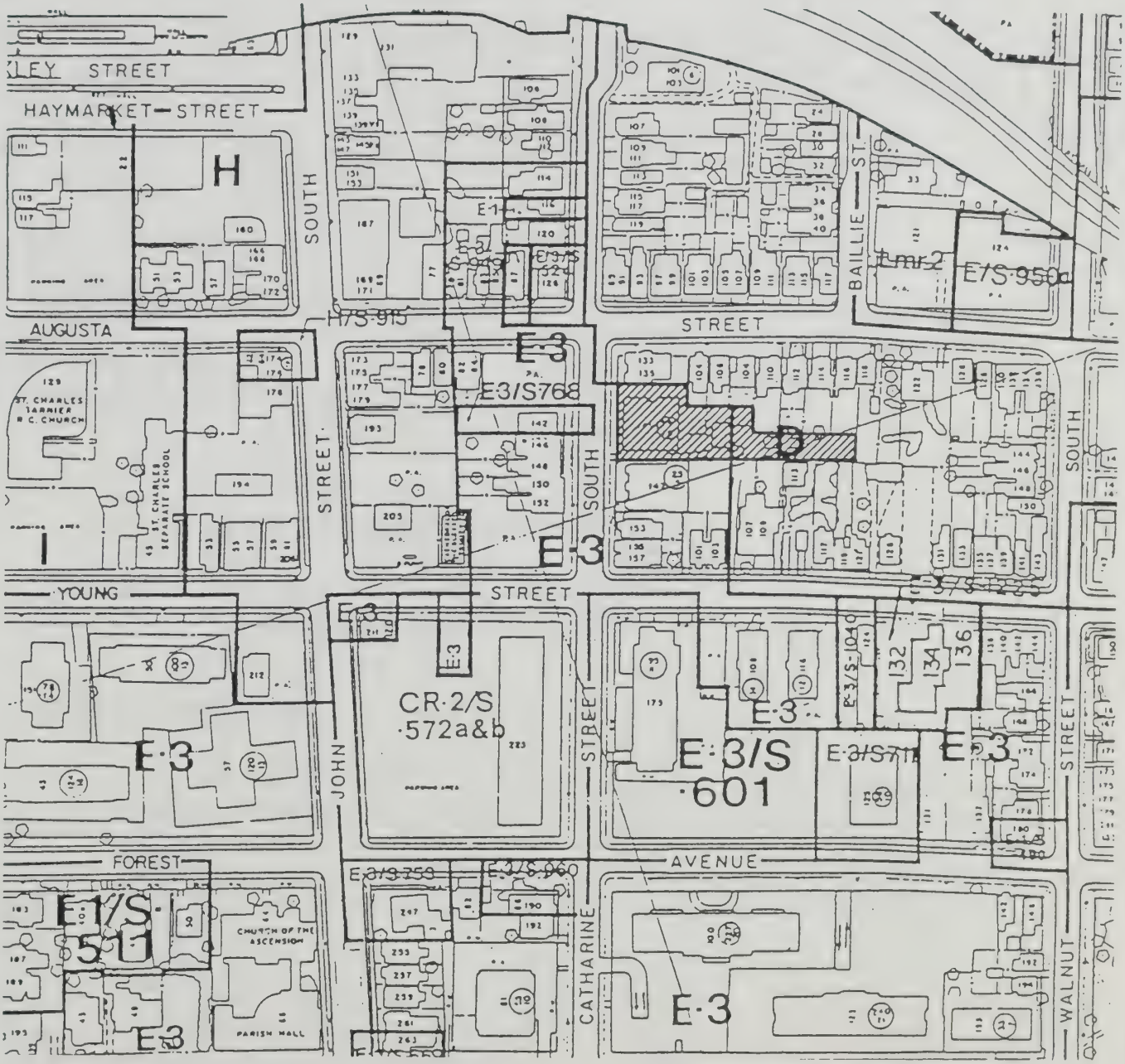
   The Traffic Division has requested the closed approach be removed and the boulevard and sidewalk be restored. To date, this action has not been completed and therefore, it is included as condition in the recommendations for draft approval.

CONCLUSION:

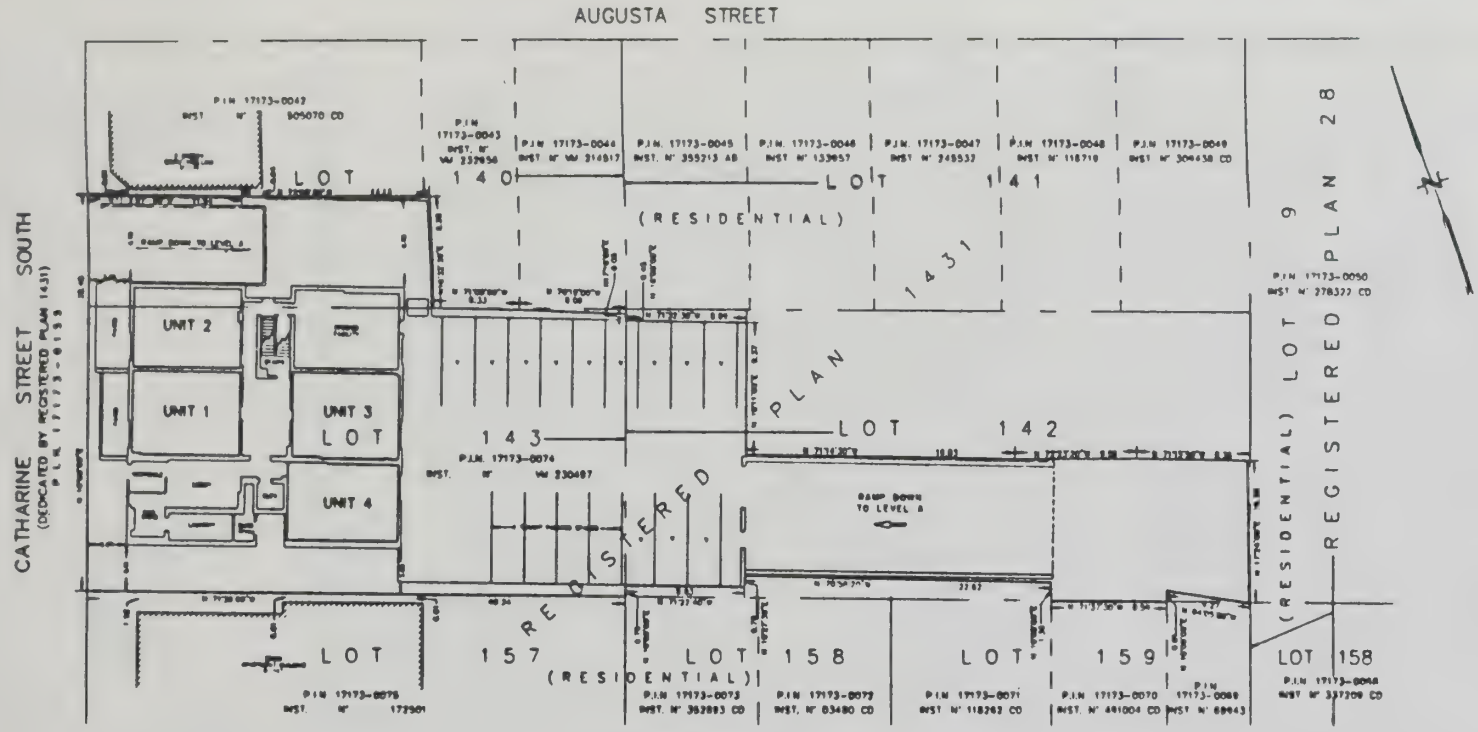
Based on the above, the draft plan of condominium should be approved, subject to the conditions outlined.

JHE

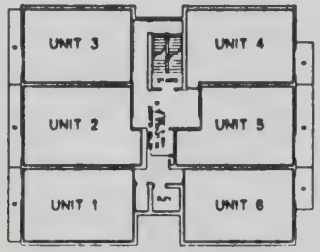
APPENDIX "A"


HAYMARKET STREET
AUGUSTA
STREET
YOUNG
STREET
FOREST
AVENUE
SOUTH
JOHN
STREET
CATHARINE
STREET
BAILLIE ST.
STREET
SOUTH
STREET
WALNUT
STREET
H
I
E-3
E-3/S-768
E-3
CR-2/S-572a&b
E-3/S-601
E-3/S-771
E-3
E-3
E-3

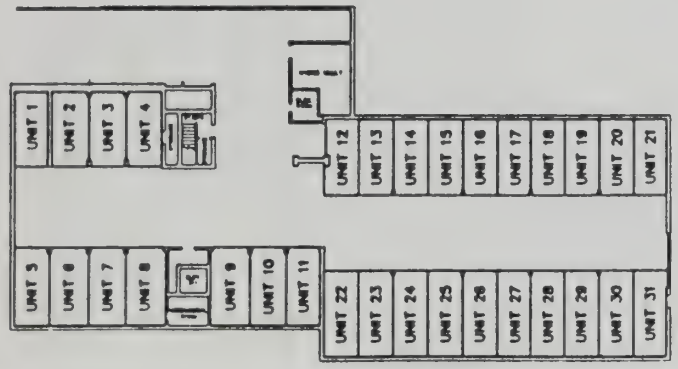
APPENDIX "B"



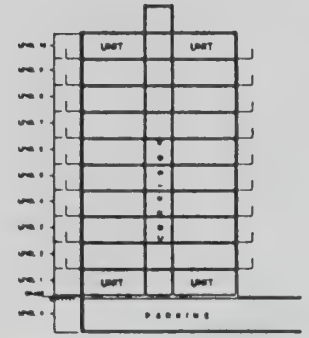
PLAN VIEW SHOWING
PARKING UNITS 1 TO 4 INCLUSIVE
ON LEVEL 1



PLAN VIEW SHOWING
RESIDENTIAL UNITS 1 TO 6 INCLUSIVE
ON LEVELS 2 TO 10 INCLUSIVE



PLAN VIEW SHOWING
PARKING UNITS 1 TO 31 INCLUSIVE
ON LEVEL A



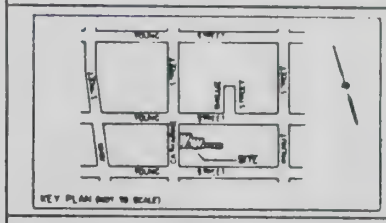
REPRESENTATIVE SECTION SHOWING
THE RELATIONSHIP OF LEVELS

DRAFT PLAN OF CONDOMINIUM OF
ALL OF LOT 143
AND
PART OF LOTS 140 AND 142
REGISTERED PLAN 1431
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

SCALE 1 : 200

R. AVIS SURVEYING INC. 1997

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



KEY PLAN (NOT TO SCALE)

PLANNING ACT INFORMATION (Section 51 (7))
THE DRAFT PLAN AND KEY PLAN FOR ITEMS A,B,C,D,E,F AND J

B EACH INCLUDED UNIT IS FOR SINGLE FAMILY PURPOSES OF WHICH THE OWNER(S) HAVE EXCLUSIVE OWNERSHIP AND IN ADDITION THERETO (INCLUDE USE OF A BALCONY OR A PATIO WHERE APPLICABLE) PARKING IS AVAILABLE

C MUNICIPAL PIPED WATER IS AVAILABLE ON ADJACENT STREETS

I CLAY-LOAM

E MUNICIPAL STORM AND SANITARY SEWERS ARE AVAILABLE ON ADJACENT STREETS

L THERE ARE NO EASEMENTS

NOTES AND LEGEND

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERN LIMIT OF CATHARINE STREET SOUTH AS SHOWN ON REGISTERED PLAN 1431 AND HAVING A BEARING OF N 00° 00' 00" E

DENOTES BOUNDARIES OF UNITS AND COMMON ELEMENTS

DENOTES UNDER PARKING

DENOTES BALCONY

MUNICIPAL ADDRESS OF 134 CATHARINE STREET SOUTH HAMILTON ONTARIO, TO BE DETERMINED BY BUILDING FOR CONDOMINIUM CONVERSION

SITE STATISTICS

AREA OF SITE = 1941 m²

DWELLING UNITS = 10

PARKING
RESIDENT SPACES = 31
VISITOR SPACES = 3
TOTAL = 34

OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE SUBMISSION OF THIS PLAN FOR APPROVAL

OWNER 1167829 ONTARIO LIMITED

Dec. 8/97
DATE

AUTHORIZED SIGNING OFFICER

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

DECEMBER 8, 1997
DATE

R. Avis
ONTARIO LAND SURVEYOR

R. AVIS SURVEYING INC.
SUITE 104
120 CONFEDERATION ROAD
MISSISSAUGA, ONTARIO
L4Z 2K4
TEL. (905) 890-8760 FAX (905) 890-8765

DRAWN BY KD

(iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 12, 1998
CDM-98-03
Broughton East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Condominium
"Summerhill at Sandrina Gardens"

RECOMMENDATION:

(1) That approval be given to Condominium Application 98-03 "Summerhill at Sandrina Gardens" (Regional File 25CDM-98004), DiCenzo Construction Company Limited, owner, to establish a draft plan of condominium, located at the south-east intersection of Upper Gage Avenue and Cadham Boulevard and known municipally as 10 Cadham Boulevard and 10 Beaverbrook Avenue, as shown on APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan prepared by A.T. McLaren Ltd. and certified by S.D. McLaren, O.L.S., dated November 6, 1997, showing a total of 42 residential townhouse units;

ii) That the final plan of condominium comply, in all respects, with the approved Site Plan (DA-97-06);

iii) That the applicant satisfy all conditions of site plan approval applicable to the subject lands to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium;

iv) That the final plan conform with the applicable provisions of the City of Hamilton Zoning By-law No. 6593;

v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act;

vii) That the Owner request and receive approval from the Region of Hamilton-Wentworth to delete the subject lands from the draft approved plan of subdivision "Sandrina Gardens" (Regional File No. 25T-93010);

viii) That the following warning clause be registered on title for Units 9 - 14 inclusive and Units 17 - 22 inclusive, to the satisfaction of the Director, Planning and Development and the City Solicitor:

"Purchasers are advised that access to the rear amenity area is provided through the living area of the unit."

ix) That the following warning clause be registered on title for all units within the development, to the satisfaction of the Director, Planning and Development and the City Solicitor:

"Purchasers are advised that on-site garbage pick up by the City of Hamilton will not be available for this site."

x) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,

xi) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(2) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

DiCenzo Construction Company Limited, owner.

Surveyor:

S.D. McLaren O.L.S., A.T. McLaren Ltd.

Location:

The lands, comprising 11,713.3 m^2, known municipally as 10 Cadham Boulevard and 10 Beaverbrook Avenue, are located at the south-east intersection of Upper Gage Avenue and Cadham Boulevard and abut the future extension of Upper Gage Avenue in the Broughton East Neighbourhood (see APPENDIX "A").

Proposal:

The owner is proposing a 42 unit condominium townhouse development (see APPENDIX "B"). The development consists of six (6) buildings that are presently under construction.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Regional Centre" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

The subject lands are designated "Residential". The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Attached Housing" in the approved Broughton East Neighbourhood Plan. The proposal complies with the neighbourhood plan.

Zoning:

The subject lands are zoned "RT-20" (Townhouse - Maisonette) District.

Site Plan:

The proposed condominium development was the subject of Site Plan Control Application DA-97-06 that was approved on May 16, 1997. The Site Plan Agreement has been finalized and registered on title.

The approved site plan is to be developed in three phases. The proposed plan of condominium is for the first phase. A total of 61 condominium townhouse units are to be developed in the second and third phases.

Subdivision Application 25T-93010 "Sandrina Gardens"

The subject lands are part of the "Sandrina Gardens" subdivision which was draft approved on May 26, 1994. The applicant is proposing to remove the subject lands from the draft approved plan of subdivision. Registration of the final plan of condominium will result in the severance of the subject lands from the balance of the "Sandrina Gardens" subdivision. In this regard, the proposed plan of condominium should be subject to the applicable provisions of subdivision approval.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised that:

"INFORMATION:

1. The proposed development can be serviced from the existing municipal watermains on Beaverbrook Avenue and Cadham Boulevard.

   The owner previously entered into a Service Agreement with the Region and a Modified Subdivision Agreement with the City of Hamilton in order to provide the municipal services required to service all 42 units within this development.

2. The owner has previously dedicated sufficient lands to the City of Hamilton for the establishment of Beaverbrook Avenue under the Modified Subdivision Agreement for the City of Hamilton. There are no additional lands required for road purposes by the City of Hamilton.

3. Under the Site Plan Application for this Site, the owner has satisfied all grading issues for the development of this site.

The plan as prepared by S.D. McLaren. O.L.S. of A.T. McLaren Ltd., dated November 6, 1997, is satisfactory to the Regional Environment Department, subject to the above-noted comments and recommendations.

Therefore, we have no recommendations for the development of this Condominium Application."

The Traffic Division, Department of Public Works and Traffic advised that:

"As previously indicated, on-site garbage pick-up by the City would not be available for this site. Since the plan does not include any storage facilities for garbage, we recommend that as a condition of approval a notice be registered on title for each individual unit that garbage removal by the City will not be available for this site as part of the establishment of the plan of condominium."

The Building Department has verbally advised that the final plan of condominium must comply with the approved site plan (DA-97-06) and the applicable provisions of the "RT-20" (Townhouse - Maisonette) District regulations.

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Broughtn East Neighbourhood Plan.

2. The proposal complies with the approved site plan.

3. The subject lands are located within the draft approved plan of subdivision "Sandrina Gardens". The applicant is proposing to remove the subject lands from the draft approved plan of subdivision and develop the lands by way of plan of condominium. In this regard, the proposed plan of condominium should be subject to the existing provisions of draft plan of subdivision approval.

   As a condition of approval, the applicant should be required to request and receive approval from the Region of Hamilton-Wentworth to delete the subject lands from the draft approved plan of subdivision "Sandrina Gardens". In addition, the only condition of subdivision draft approval applicable to the subject lands is that the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes. It is noted that if the lands be severed by means of a consent application, then this condition would be part of the conditions of severance.

4. The Traffic Division has advised that on-site municipal garbage pick-up will not be available do to on-site manouvering restrictions. The applicant was advised of this at the site plan review stage at which time it was indicated that a warning clause would be required to be registered on title. Therefore, as a condition of draft plan approval, a

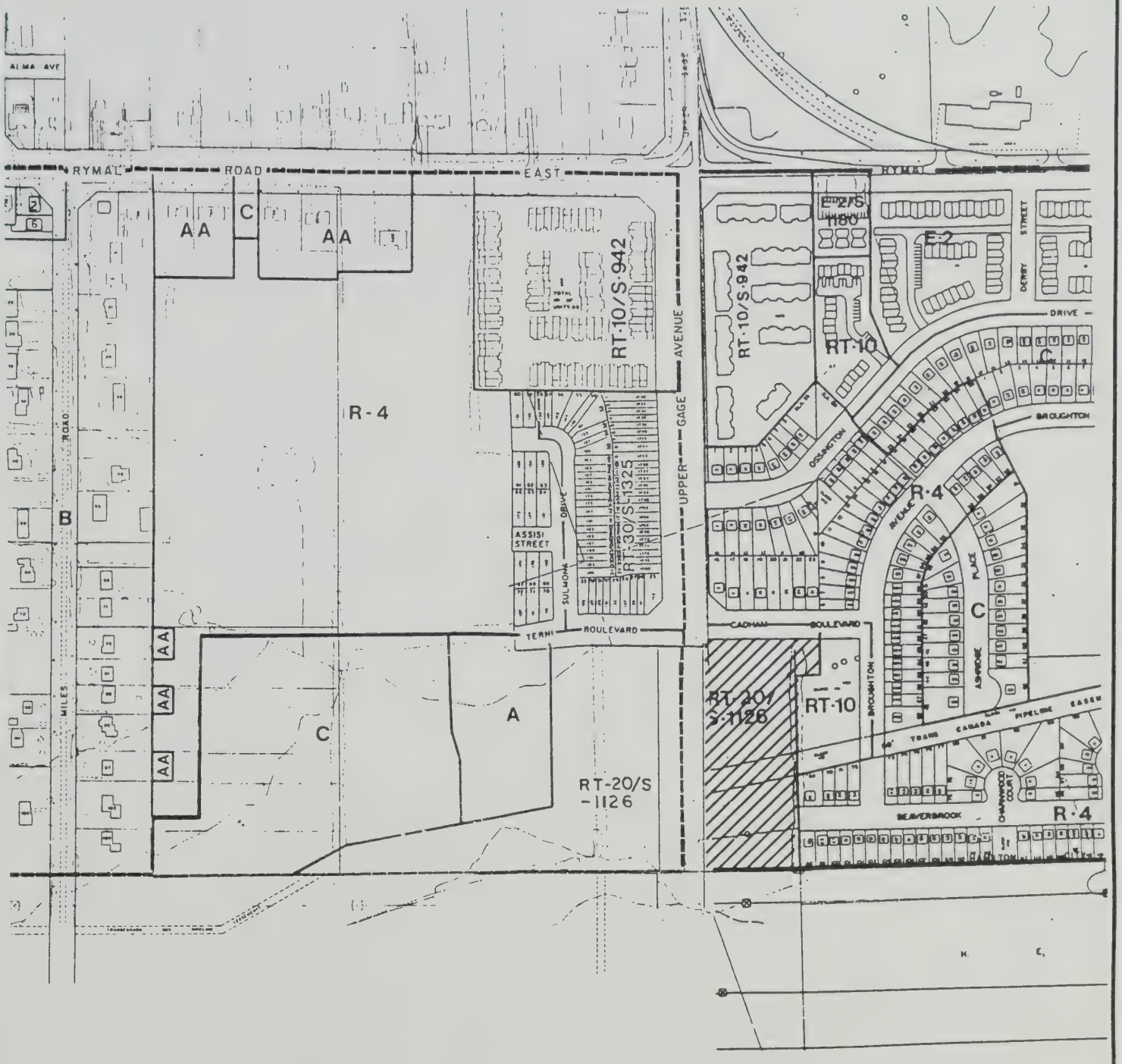
warning clause should be registered on title to inform prospective purchasers that on-site garbage pick up by the City of Hamilton will not be available for this site.

5. As a condition of site plan approval, the applicant is required to construct a 1.8m high chain link fence along the limits of the TransCanada Pipelines easement. Based on the limits of the proposed exclusive use areas for Units 8 - 15, inclusive and Units 16 -23, inclusive, and the chain line fence, access to the rear amenity areas for Units 9 - 14, inclusive and Units 17 - 22, will be restricted to the living area of the unit. As such, it is appropriate to require that a warning clause be registered on title for these units to advise prospective purchasers of this restriction.

CONCLUSIONS:

On the basis of the forgoing, the proposed plan of condominium can be supported.

SR\sr
CDM98-03.RPT



City of Hamilton

Location Plan For

10 Cadham Blvd. and 10 Beaverbrook Ave.

Planning and Development Department

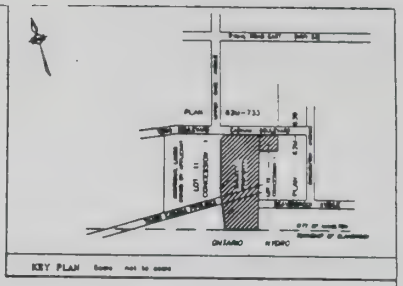
Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM -98-003
	Date	Drawn By
	May 1998	FAB

APPENDIX "A"

25CDM-98004



DRAFT PLAN OF SUMMERHILL at SANDRINA GARDENS

BEING A PROPOSED CONDOMINIUM PROJECT

OF PART OF

LOTS 11 AND 12, CONCESSION 1

IN THE GEOGRAPHIC TOWNSHIP OF GLANFORD

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:300 metres

S.D. McLAREN, O.L.S. - 1997

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT

THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

Mar 17/98
DATE

S.D.McLAREN, O.L.S.

SECTION 51 (17) PLANNING ACT, AS REVISED

(A) SHOWN ON PLAN	(G) SHOWN ON PLAN
(B) SHOWN ON PLAN	(H) MUNICIPAL PIPED WATER AVAILABLE
(C) SHOWN ON PLAN	(I) CLAY LOAM
(D) SEE SCHEDULE	(J) SHOWN ON PLAN
(E) SHOWN ON PLAN	(K) MUNICIPAL SERVICES EXISTING
(F) SHOWN ON PLAN	(L) SHOWN ON PLAN

SCHEDULE

TOTAL AREA OF SITE	=	11 713.3 m^2
TOTAL NUMBER OF UNITS	=	42
TOTAL VISITORS PARKING SPACES	=	13
TOTAL RESIDENTS PARKING SPACES	=	42
MAXIMUM BUILDING HEIGHT	=	TWO STOREY
CONSTRUCTION TO COMMENCE IN	=	1997

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

AREAS SHOWN ON THIS PLAN ARE IN SQUARE METRES AND CAN BE CONVERTED TO SQUARE FEET BY DIVIDING BY 0.0929

BENCH MARK NOTE

ELEVATIONS SHOWN ON THIS PLAN ARE GEODETIC AND ARE REFERRED TO CITY OF HAMILTON BENCH MARK No. 39-04 PLAQUE SET ON NORTH WALL OF SHELL STATION ON KING ROAD EAST OPPOSITE UPPER SHERMAN AVENUE, 0.4 m WEST OF NORTHEAST CORNER

ELEVATION = 321.081 metres

000.00 DENOTES EXISTING ELEVATION
(000.00) PROPOSED ELEVATION

"CAUTION This plan is not a plan of subdivision within the meaning of the Planning Act."

A.T. McLaren Limited
66 JOHN STREET SOUTH, SUITE 330
HAMILTON, ONTARIO L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0332

APPENDIX "B"
(For Information Only)

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 May

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secreatry, LACAC re: minutes of the meeting held 1998 April 6, dated 1998 May 11

(b) Director of Planning and Development Re: Site Plans for Approval, dated 1998 May 12

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1998

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
MAY 26 1998
GOVERNMENT DOCUMENTS

Tuesday, 1998 May 26
6:30 o'clock p.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. **CHIEF ADMINISTRATIVE OFFICER**

   Ferguson Avenue Master Plan -
   Funding for the Implementation of the Section between King William Street and King Street East (report to follow)

2. **ADJOURNMENT**

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1998

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL

PLANNING AND DEVELOPMENT COMMITTEE

JUN 23 1998

Wednesday, 1998 June 24
9:30 o'clock a.m.
Room 233, City Hall

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-15 and Subdivision Application 25T-89002(R) ("Annabelle Place"), by J. Zaborsky (Bestco Construction Corp.), owner, for a change in zoning from "AA" District to "C" District, for lands located at the south west limits of Annabelle Street.

2. Zoning Application 98-13 and Subdivision Application 98-01 ("Woodland Meadows") by Valery Construction Company Limited, owner, for changes in zoning for lands located east of West 5th Street and north of Stone Church Road West, known municipally as 965 West 5th Street.(report to follow)

   Submissions: a) Ronald J. Weston on behalf of Gina and John Piano and Vince and Rose Citino, owners of property fronting onto West 5th Street, Hamilton

   b) Anthony Wellenreiter on behalf Franklin Javor, owner of units 16 and 54, 71 Stonechurch Road West, Hamilton

3. Zoning Application 97-42 and Subdivision Application 97-08 ("Tiffany Park") by Vispar Holdings Inc., owner, for changes in zoning for lands located west of Upper Paradise Road and south of Kordun Street, known municipally as 1016, 1062 and 1088 Upper Paradise Road.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 98-16, by Daniel Ford, owner, for a change in zoning from "G-3" District to "D" District, for lands located at the rear of 27 Albert Street.

5. Zoning Application 98-19, by Jacinto Arruda, owner, for changes in zoning from "C" District to "R-4" District for Block "1", and from "AA" District to "R-4" District for Block "2", for lands located at 349 and 353 Acadia Drive.

6. Zoning Application 98-11, by St. Nicholas Ukranian Catholic Parish, applicant, for a modification to the "D" District, for lands located at 260 Melvin Avenue.

7. Zoning Application 98-14 by H.G.H. Developments Ltd. (A. DeSantis), owner, for changes in zoning from "JJ" District to "HH" District for Block "1", and a modification to the "HH" District for Block "2", for lands located at no. 237 - 247 Centennial Parkway North.

8. Official Plan Amendment - Protection of Rental Housing Stock

   Submissions: a) Don Jaffray, Social Planning and Research Council, Hamilton
   b) Yolisa Nongauza, #3 60 Emerald Street South, Hamilton

PUBLIC MEETINGS - 10:00 O'CLOCK A.M.

9. Stinson Neighbourhood Plan

10. **MAYOR R.M. MORROW**

    Use of Vacant Downtown Properties (no copy)

11. CHIEF ADMINISTRATIVE OFFICER- Downtown Issues

a) Downtown Loan/Grants Programs

b) i) Core Heritage 2000 programs
ii) Gore Heritage 2000 program (information report)

c) Enforcement of Property Standards By-law
- Downtown Community Improvement Area

d) Loans to Tenants (city wide)

12. DIRECTOR OF PLANNING AND DEVELOPMENT

Site Plan Control Application DA-98-13 by Chedoke Terrace Inc., owner for a 172 townhouse unit development, for the property located at No. 100 Beddoe Drive (Lapp Property).

Submission a) E.J. Fothergill, Fothergill Planning and Development Inc.

13. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Designation of King Street West Association as
a Business Improvement Area

14. CONSENT AGENDA

15. OTHER BUSINESS

16. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
3.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
4.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
5.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
6.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for report	Report pending
7.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
8.	Planning Tariff Fees - Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
9.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Office Staff for report	Pending
10.	RHPA Application CD-97-002, 21 Kendale Court	1997 August 20	Clarification re: reserve funds for major repairs & resolve parking issue	Tabled for 1 month
11.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
12.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
13.	ZA-97-33, 852 Upper Wentworth Street	1998 April 22 and May 6	Ald. Kelly to meet with the Applicants	Tabled to 1998 May 6
14.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
15.	OPA - Protection of Rental Housing Stock	1998 April 22	Evening Public meeting to be held in one month	Meeting to be re-advertised and scheduled
16.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
17.	Potential Regulation of Car Repair Activity in Residential Districts	1998 May 6	Staff Report Requested from Planning and Building Departments	Pending

1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 17
Gourley Neighbourhood
ZAC-98-15
25T89002(R)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning and draft plan of subdivision - Annabelle Street

RECOMMENDATION:

(a) That approval be given to **Amended Subdivision Application SA-89-04, (Regional File 25T-89002(R)), J. Zaborsky, owner,** to establish a draft plan of subdivision "Annabelle Place", for lands located north of Stone Church Road West, west of West Fifth Street, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

(i) That this approval apply to the plan, prepared by B. J. Clarke, O.L.S., dated April 1, 1998, as red line revised, showing 7 lots for single detached dwellings, future extension of Annabelle Street, two blocks for development with adjacent lands to the south and two blocks for a 0.3 m reserve (see attached APPENDIX "B");

(ii) That 2m by 2m daylight triangles be established on Lots 7 and 8 at the inside corner of the L-shape bends on Street "A";

(iii) That the Owner pay the outstanding servicing costs on Annabelle Street to the City of Hamilton;

(iv) That the Owner acquire the 0.30m reserves shown as Parts 2 and 3 on Reference Plan 62R-14047 from the City of Hamilton;

(v) That the Owner show Blocks 10 and 11 on the draft plan as solid lines and establish as 0.30m reserves;

(vi) That the owner not require the issuance of a Building Permit for Block 8 until appropriate land assembly to the south has taken place;

(vii) That Blocks 8 and 9 be developed in conjunction with the abutting lands to the south;

(viii) That the final plan conform with the Zoning By-law approved under the Planning Act;

(ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan;

(x) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act;

(xi) That the owner erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;

(xii) That the streets be named to the satisfaction of the City of Hamilton;

(xiii) That the streets be dedicated to the City of Hamilton as public highways in the Final Plan;

(xiv) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(xv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(xvi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to

development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measure after each rain fall to the satisfaction of the Senior Director, Roads Department;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction;

(xvii) That the Owner be required to enter into a modified subdivision agreement with the City of Hamilton prior to development of any portion of these lands;

(xviii) That the applicant/owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton prior to development of any part of these lands.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-89-04/25T-89002), "Annabelle Place" proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(d) That approval be given to **Zoning Application ZAC-98-15, J. Zaborsky, owner,** requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands located north of Stone Church Road West, west of West Fifth Street, to permit the development of three (3) single family dwellings in conjunction with adjoining lands, as shown on the attached map marked as APPENDIX "A" on the following basis:

(i) That the lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593,

and Zoning District Map W-9C for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning for lands located north of Stone Church Road West, west of West Fifth Street, as shown on the attached map marked as APPENDIX "A", from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the by-law is to permit the development of the subject lands for three (3) single family dwellings. The related subdivision application SA-89-04 includes an additional 4 single family dwellings which do not require rezoning.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant

J. Zaborsky (Bestco Construction Corp.)

Agent and Surveyor

A. J. Clarke & Associates Ltd., B. J. Clarke, O.L.S.

Location

The subject lands are located at the southerly limit of Annabelle Street, north of Stone Church Road, west of West Fifth Street, within the Gourley Neighbourhood.

Lot Size and Area

The subject lands have:

- a frontage of 32.76 m (35.9 m subdivision) on Annabelle Street;
- a depth of 103.47 m (+/-); and,
- a lot area of approximately 0.3 ha (.56 ha subdivision).

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	Church, vacant land, single family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	Single family dwellings	"AA" (Agricultural) District
to the south	Single family dwellings	"AA" (Agricultural) District, "B-1" (Suburban Agriculture and Residential, etc.) District, modified, and "C" (Urban Protected Residential, etc.) District
to the west	Single family dwellings	"C" (Urban Protected Residential, etc.) District

SUBDIVISION PROPOSAL

The application is to establish a plan of subdivision comprising of 8 lots for single detached dwellings, future extension of Annabelle Street, 1 block for future development and two blocks for 0.3 m reserve as shown by APPENDIX "B". The 8 residential lots would include 8 single family detached dwellings (ie. 12 m minimum lot frontage).

AMENDED APPLICATION

The application has been amended to 7 lots for single family dwellings, future extension of Annabelle Street, 2 blocks for future development and 2 blocks for 0.3 m reserves as shown on the attached APPENDIX "B".

REZONING PROPOSAL

The request for a change in zoning is from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. An additional four single family lots are included in the proposed plan of subdivision SA-89-04 do not require rezoning since they are zoned "C" (Urban Protected Residential, etc.) District.

HAMILTON-WENTWORTH OFFICIAL PLAN:

The subject lands are designated as "Urban Area". The proposal complies with the Hamilton-Wentworth Official Plan.

CITY OF HAMILTON OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan. The proposal complies with the City of Hamilton Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" in the approved Gourley Neighbourhood Plan. The proposal complies with the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Public Works and Traffic Department and the Hamilton Region Conservation Authority advise they have no comment or objection.

- The Building Department advises:

  "1. Each lot must provide a minimum lot width of 12.0m and a minimum lot area of 360m^2."

- The Regional Environment Department (Development Engineering Services) advises:

  "1. According to the approved Neighbourhood Plan, the proposed extension of Annabelle Street was to include lands to the west to create lots. This proposal shifts the road easterly thus requiring a shift in the road to match the existing roadway recently established south of Chester Avenue and shown on Reference Plan 62R-11658. This roadway shift will no longer require lands from abutting property owners to the west who may have had expectations of developing a portion of the rear of their lands. It may be appropriate that the adjacent owners be notified of this roadway change to the neighbourhood plan through the processing of the zoning and subdivision applications.

2. We have reviewed the geometric design details of the roadway shift between this subdivision and the existing street to the north and advise that the shift is satisfactory provided that the future roadway connection is established between this subdivision and existing Annabelle Street to the north in accordance with the attached sketch.

RECOMMENDATIONS:

1. That 2m by 2m daylight triangles be established on Lots 7 and 8 at the inside corner of the L-shape bends on Street "A".

2. That the applicant/owner purchase the .3048m reserve shown as Parts 2 and 3 on Reference Plan 62R-14017.

3. That the Owner pay the outstanding servicing costs on Annabelle Street to the City of Hamilton.

4. That the Owner acquire the 0.30 metre reserves shown as Parts 2 and 3 on Reference Plan 62R-14047 from the City of Hamilton.

5. That the Owner show Blocks 10 and 11 on the draft plan as solid lines and establish as 0.30 metre reserves.

6. That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands."

The Regional Environment Department has subsequently advised that Recommendation 4 above, is correct and therefore Recommendation 2 should be deleted.

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Gourley Neighbourhood Plan.

2. The proposal has merit and can be supported on the following basis:

   - it complies with the Official Plan and approved Neighbourhood Plan; and,

   - the proposed development would be compatible with existing and proposed single family development in the area.

3. The applicant has subsequently amended the subdivision proposal to delete Lot 4 and change it to Block 8 to facilitate appropriate future development and lotting pattern for

lands to the south. In this regard, it is appropriate to include a condition whereby the owner will not require a Building Permit for Block 8 until appropriate land assembly to the south has taken place. In addition, a condition should be included to require Block 8 and 9 be developed in conjunction with the abutting lands to the south.

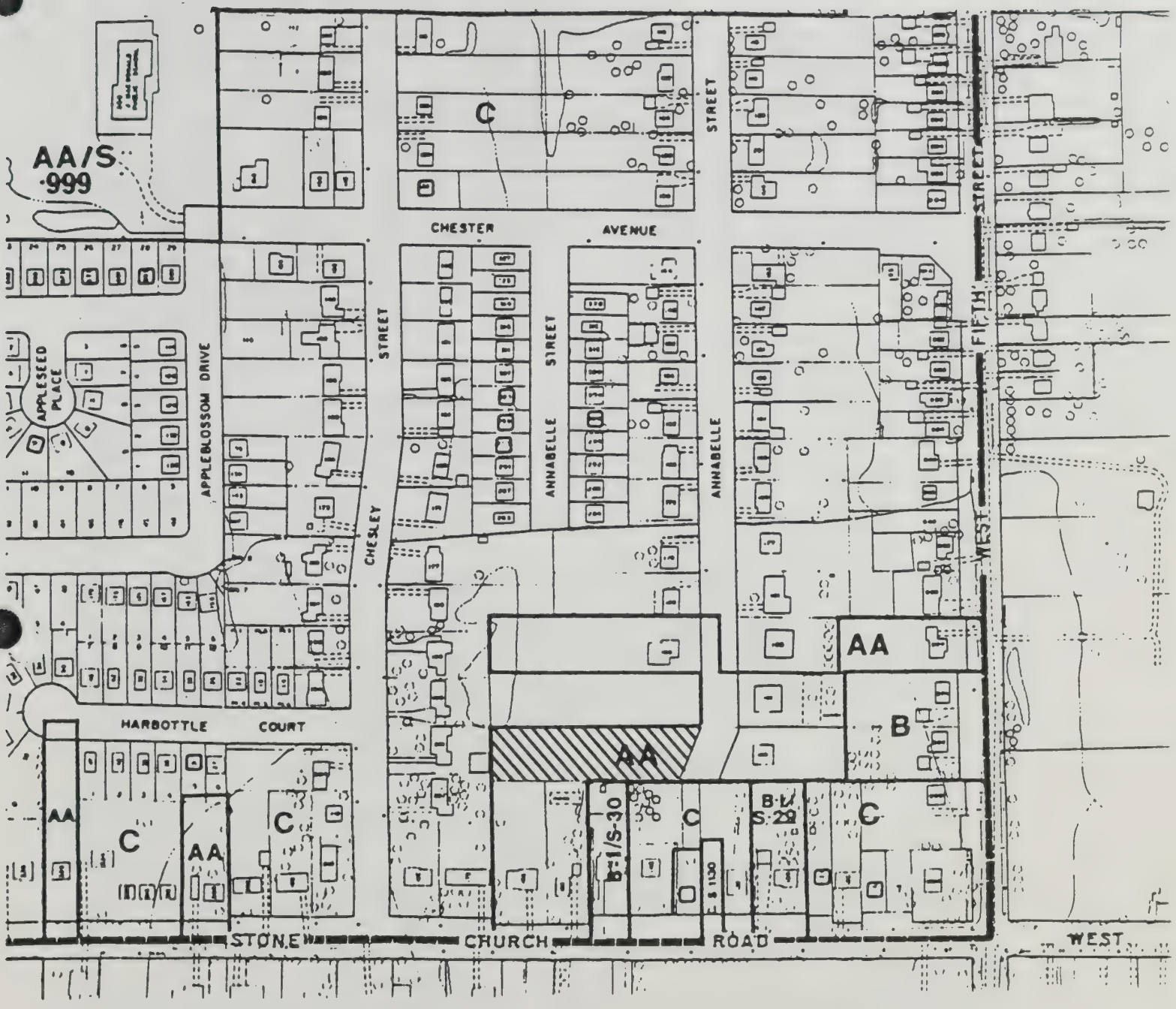
4. The Regional Environment Department (Development Division) notes that the approved Neighbourhood Plan shows the proposed extension of Annabelle Street was to include lands to the west to create lots. The proposed draft plan of subdivision however, shifts the road easterly to match the existing roadway recently established south of Chester Avenue. This shift will no longer require lands from abutting property owners to the west. A concern was expressed that there may be expectations by these land owners regarding future severance of there lands to complete this plan of subdivision. There is no indication in the approved Neighbourhood that there were any specific expectations in this regard.

CONCLUSION:

Based on the foregoing, the applications can be supported.

CLF/
ZAC-98-15/25T-89002

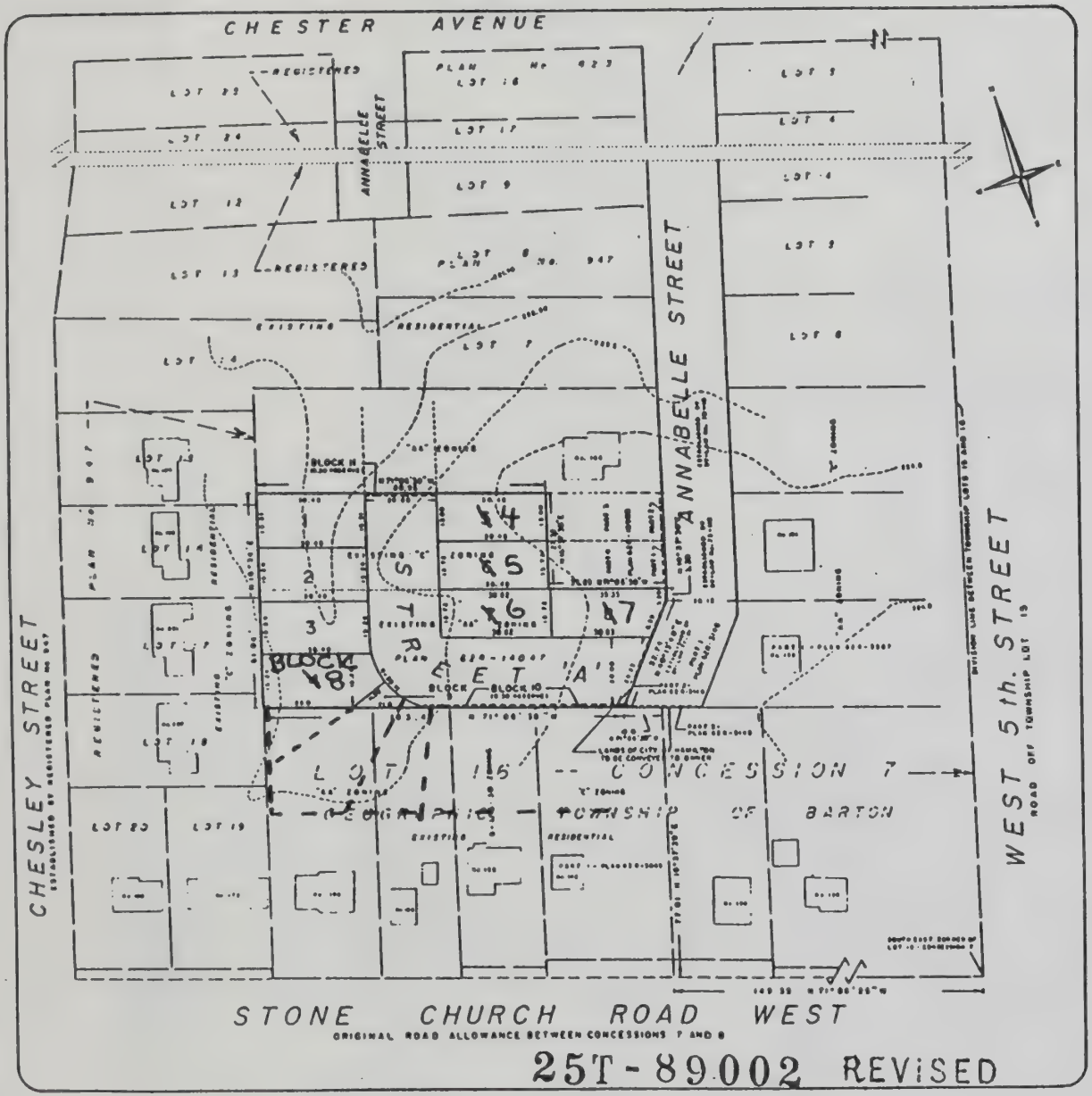
APPENDIX "A"

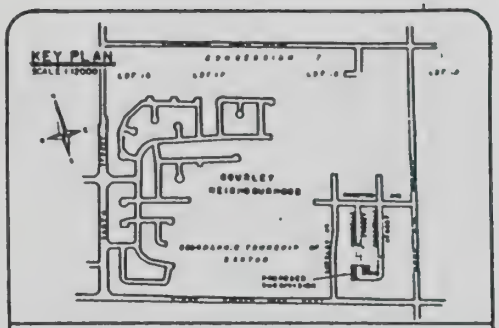


Legend

Site of the Application

ZAC-98-15





DRAFT PLAN OF

Annabelle Place

IN THE COURLEY NEIGHBOURHOOD
BEING A PROPOSED SUBDIVISION OF
PART OF LOT 16 - CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1:750

D.A. CLARKE O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P-13 R.S.O. 1990 – SECTION 51(17) THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

APRIL 1, 1998 — DATE — D.A. CLARKE, ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

I, JAMES ZABORSKY, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

APRIL 1, 1998 — DATE

LAND USE SCHEDULE:

LOTS 1 TO 3 SINGLE FAMILY DWELLING LOTS
TOTAL AREA OF SUBDIVISION

Red Line Revised June 17, 1998 OL.

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

APPENDIX "B"

Jaskula, Sherk, Flaherty & Weston
Barristers and Solicitors

2a)

THIRD FLOOR
135 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 2Z6

JOHN L. JASKULA, Q.C. (1957-1989)
CHRISTOPHER B. SHERK, B.Sc., M.B.A., LL.B.
L. CHARLES FLAHERTY B.A., LL.B.
RONALD J. WESTON, LL.B.

TELEPHONE 905-577-1040
FACSIMILE 905-577-7775

COUNSEL: BRIAN W. B. MORISON Q.C., LL.B., LL.M

June 15, 1998

The Corporation of the
City of Hamilton
City Hall
71 Main Street West
P.O. Box 2040
HAMILTON, Ontario
L8N 3T4

Attention: Secretary
Planning & Development Committee

RE: Representation Before Planning & Development Committee

I represent Gina and John Piano and Vince and Rose Citino, owners of property fronting on West 5th Street lying immediately north of lands owned by Valery Construction Company Ltd. which is before the Committee for the purpose of zoning amendments and lot width variances. (Your files number 2AC-98-13 and 5AC-98-01.)

My clients wish to oppose the subject application on the following grounds:

(a) it represents overdevelopment of the subject lands;

(b) the proposed development permitted by the rezoning would be inconsistent with the development intended by my clients for which draft plan approval has been obtained; and,

(c) the reverse lot frontages proposed are not a desirable for the subject site.

I have been retained to appear before the Committee for the meeting scheduled on June 24, 1998 at 9:30 a.m. and would like the opportunity to address the Committee to express my clients' concerns and answer any questions you may have.

Yours very truly,

RONALD J. WESTON
RJW/sk

\PLAJ012\city.001

261

WELLENREITER & WELLENREITER

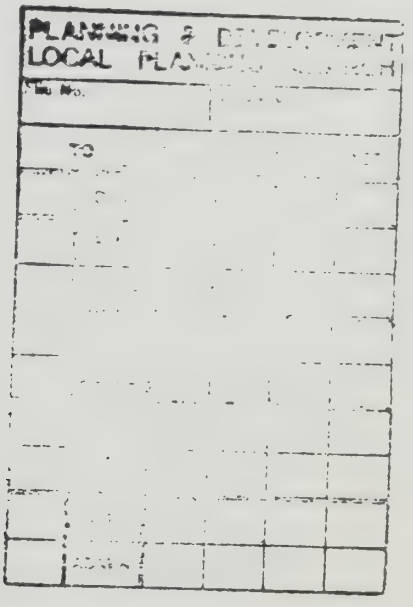
Barristers, Solicitors & Notaries Public

ANTHONY WELLENREITER, LL.B., Q.C.
RICHARD A. WELLENREITER, B.A. (Hons.), LL.B

RASTRICK HOUSE
46 FOREST AVENUE, HAMILTON,
ONTARIO, CANADA L8N 1X1

TELEPHONE (905) 525-4520 FAX (905) 525-7943
e-mail:wellenreiter@hwcn.org

June 9th, 1998



Secretary, Planning and Development Committee
Attention: Planning Department

The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Sir/Madam:

Re: File Number ZAC-98-13 & SAC-98-01
Public Meeting of June 24th, 1998
in regard to an application by
Valery Construction Company Limited
as to 365 West 5th Street and development
thereof and request for variances from the
by-law

We represent the owner, Franklin Javor, in regard to Unit 16 and Unit 54 at 71 Stonechurch Road West.

Our client advises that the proposed application is objectionable for the following reasons:

a) It backs on to our client's property without provision for an adequate separation. In other words, the street comes directly to the back of our client's property. The conservation area should be distributed amongst the rear of that total property and condominium complex.

b) The request for reduction in lot sizes is of considerable consequence and is an over intensification of the use of the property. There is not sufficient open space, conservation, park and recreation provisions for the subject lands.

Our client advises that he wishes to be kept informed of future meetings and proposals so that he may attend or cause representation to be made.

We thank you.

Yours very truly,

ANTHONY WELLENREITER

AW/ld

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 16
SAC-97-08 & ZAC-97-42
Falkirk West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Plan of Subdivision "Tiffany Park" and
Request for a change in zoning - 1016, 1062 and 1088 Upper Paradise Road

RECOMMENDATION:

(a) That approval be given to amended Subdivision Application 97-08 (Regional File No. 25T-98001), Visplar Holdings Inc., owner, to establish a draft plan of subdivision "Tiffany Park", on lands located west of Upper Paradise Road and south of Kordun Street in the Falkirk West Neighbourhood, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Wellington Consultants Ltd. and certified by Dan McLaren, O.L.S. of A.T. McLaren Ltd, dated June 11, 1998, showing 51 lots for single detached dwellings, 9 lots for semi-detached dwellings, 1 block for townhouse units, 11 blocks to be developed with the abutting lands for single family dwellings, 3 blocks for 0.30 m reserves, 2 blocks for a temporary sewer easement, 1 block for parkland, 1 block for open space purposes, and 4 streets identified as Streets "A", "B", "C" and "D", attached as APPENDIX "B".

(ii) That the Owner dedicate Block "72" to the City of Hamilton for park purposes. Block "72" is not to be dedicated to the City of Hamilton until such time as the Owner has carried out an archaeological assessment of the entire development property and the Ministry of Citizenship, Culture & Recreation has confirmed in writing that all archaeological resource concerns have been met with respect to licensing and resource conservation requirements.

(iii) That the proposed streets be named from the City of Hamilton reserved street name list to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.

(v) That the final plan conform with the Zoning By-law approved under the Planning Act.

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(viii) That the Owner agree to include the following clause in the subdivision agreement, and that the warning clause be registered on title of all lots within the plan of subdivision abutting Upper Paradise Road and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers are advised that noise levels originating from Upper Paradise Road may become of concern, occasionally interfering with some activities of the occupant."

(ix) That the Owner agree to include the following clause in the subdivision agreement, and that the warning clause be registered on title of all lots within the plan of subdivision fronting onto Street "C" and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers are advised that Street 'C' is to be extended southerly to connect with the future street access to Upper Paradise Road"

(x) That the Owner provide fencing to all residential lots adjacent to the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail to the satisfaction of the Commissioner of the Regional Environment Department, the Manager of Parks, Parks Division, Department of Public Works and Traffic and the Hamilton Region Conservation Authority.

(xi) That Block "A" not be registered until such time as the grading plan for the subject lands, including the lands located within the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail, has been approved by the Commissioner of the Regional Environment Department and the Manager of Parks, Parks Division, Department of Public Works and Traffic. Depending on the final grading, the size and shape of Block "61" may be reduced.

(xii) That the Owner dedicate Block 73, being the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail, to the City of Hamilton for open space purposes.

(xiii) That the right of way of Street "A" be shifted southerly approximately 4 m to ensure that the lane alignment with the school access on the east side of Upper Paradise Road is in accordance with the City of Hamilton standard mid-block collector street cross section. The final alignment will be determined at the Engineering Plan stage and this roadway shift must be to the satisfaction of the Commissioner of Transportation.

(xiv) That any works required, as a result of the final engineering design of the intersection of Street "A" and Upper Paradise Road, on lands of the School Board to align and/or widen the access of the School Board to match the mid-block intersection pavement width on Street "A" are the sole responsibility of the applicant/owner.

(xv) The Street "A" be established at a 26 m width road allowance from the widened limits of Upper Paradise Road to 90 m westerly and that the transition points between road allowance width changes be clearly shown so that the north side of the road allowance will have a 3.0 m transition and the south side will have a 1.0 m transition.

(xvi) That the applicant must submit a plan showing the lotting and driveway locations for Lots 15 to 19 inclusive and Lots 46 to 49 inclusive and finalize the driveway locations to the satisfaction of the Commissioner of Transportation and the Commissioner of Public Works and Traffic. A covenant must be registered on title for each of Lots 15 to 19 inclusive and Lots 46 to 49 inclusive showing the approved driveway location.

(xvii) That a centreline radius on Street "A" of 120 m, adjacent to Lots 29, 35 and 36 should be clearly identified on the plan.

(xviii) That 2 m by 2 m road widening daylight triangles be established on the inside of all the L-shape bends in the roadways. These include Block 62, Lot 24 and Lot 28.

(xix) That a 12 m by 12 m daylight triangle, established at the widened limits of Street "A" and Upper Paradise Road, be shown as a Block on the final plan and dedicated to the City by Certificate for road widening purposes.

(xx) That the phasing of this subdivision be to the satisfaction of the City Engineer. The maximum number of residential units temporarily dependent on a single street access shall not exceed 100 units.

(xxi) That the southerly six (6) residential lots (shown as Lots 5 to 10 inclusive) and the temporary sewer easement fronting on Upper Paradise Road not be registered until such time as Upper Paradise Road is realigned vertically to provide required motorists sight lines to the satisfaction of the Commissioner of Transportation.

(xxii) That the alignment of the westerly north-south street shown as Street "D" on the plan be to the satisfaction of the Commissioner of Transportation.

(xxiii) That the final plan be revised to provide a minimum centreline radius for Street "D" of no less than 250 m adjacent to Lots 34, 25 and 26 to the satisfaction of the Commissioner of Transportation.

(xxiv) That Lot 1 must have a minimum frontage of 4.5 m outside of the limits of the 12.0 m by 12.0 m daylight triangle, in order to provide access to Upper Paradise Road.

(xxv) That Street "C", Block 61 and Lots 21 to 28 (inclusive) not be registered until the Falkirk West Neighbourhood Plan is amended to indicate a public street connection south of the mid-block collector street southerly to connect with the east-west street shown on lands to the south of this draft plan.

(xxvi) That the Owner not require the issuance of Building Permits for those Lots and Blocks for that portion of the temporary sewer easement adjacent to Upper Paradise Road that abut onto the temporary turnaround at the end of Street "C", until such time as Street "C" is extended to connect to a highway to the south of this plan.

(xxvii) That the Owner provide a "temporary" turnaround at the south end of Street "C" to the satisfaction of the City Engineer.

(xxviii) That the applicant/owner submit a tree preservation plan for all trees within the Upper Paradise Road road allowance, as widened. This plan must be prepared by a qualified Arborist or Landscape Architect and must include all existing trees, including caliper and species, and whether the trees will be retained or removed. The costs of any tree removal and replacement are the sole responsibility of the applicant/owner.

(xxix) That Blocks 62 to 71, inclusive be developed in conjunction with the abutting lands.

(xxx) That the Owner clearly define "Block 73" and its boundaries on the plan to the satisfaction of the Director, Planning and Development Department, the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department.

(xxxi) That the intersection of Street "A" with Streets "C" and "D" intersect at right angles to the satisfaction of Commissioner of Transportation and the Commissioner of Public Works and Traffic.

(xxxii) That the Owner satisfy the following conditions to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department:

1. That the Owner prepare and implement an erosion and sediment control plan for the subject property. The approved plan should include the following requirements and notes:

   a. The approved erosion and sediment control plan shall show a limit of work fence located approximately 5 metres from the identified edge of the wetland/ESA boundary;

   b. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

   c. All erosion and sediment control measures shall be inspected after each rainfall and a summary inspection report, prepared by a qualified engineer, shall be submitted to the satisfaction of the City Engineer;

   d. Any disturbed areas not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

   e. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the Owner prepare and implement a detailed grading plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

3. That the Owner prepare and implement a stormwater management plan for the subject property. The plan shall address water quantity and quality issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater management guidelines are implemented.

4. That the Owner install a 1.5 metre high continuous chain link fence along the rear property boundary adjacent to the Tiffany Creek wetland/ESA of Block 74 to the satisfaction of the Hamilton Region Conservation Authority.

5. That the above noted conditions be included in the Subdivision Agreement for the subject lands.

(xxxiii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(xxxiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-98001), Visplar Holdings Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(d) That approval be given to Amended Zoning Application ZAC-96-05, **Visplar Holdings Inc., owner,** for changes in zoning from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Blocks "1", "2", "3", "4"); from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Block "5") and from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "6") for lands located west of Upper Paradise Road and south of Kordun Street, known municipally as 1016, 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Blocks "1", "2", "3" and "4" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District;

(ii) That Block "5" be rezoned from "C" (Urban Protected Residential, etc.) District to "D" - 'H' (Urban Protected Residential - One and Two Family, etc. - Holding) District;

(iii) That Block "6" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

(iv) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "5", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as Upper Paradise Road has been realigned to the satisfaction of the Commissioner of Transportation.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District provisions as stipulated in the By-law, by enactment of an amending By-law once the condition is fulfilled;

"Wide Lots"

(v) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:

(a) That notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a single family dwelling a lot width of at least 11.0 metres and an area of at least 325.0 square metres shall be provided and maintained;

(vi) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variance as a special requirement:

(a) That notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a two family dwelling a lot width of at least 18.0 metres and an area of at least 500.0 square metres shall be provided and maintained;

(vii) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "1", "2" and "3", be modified to include the following variances as special requirements:

(a) That notwithstanding Section 10A.(3)(i) of Zoning By-law No. 6593, the following shall apply:

1) A front yard having a depth of not less than 3.0 m to the main wall of the dwelling;

2) A front yard having a depth of not less than 6.0 m to the garage or carport;

(b) That lot coverage of all buildings and structures shall not exceed 40% of the lot area;

(c) That lot coverage shall mean the percentage of the lot area covered by a building or buildings including accessory buildings;

(d) That notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;

"Innovative Housing"

lot width and lot area

(viii) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "4" be modified to include the following variances as special requirements;

(a) That notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a single family dwelling a width of at least 12.0 m and a lot area of at least 350.0 square metres shall be provided and maintained;

(b) That notwithstanding Section 10.(4)(ii) of Zoning By-law No. 6593, for a two family dwelling a lot width of at least 18.0 metres and an area of at least 505.0 square metres shall be provided and maintained;

front yard

(ix) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "4" and "5", be modified to include the following variances as special requirements:

(a) that notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, a front yard of a depth of at least 4.5 metres shall be provided and maintained;

porch

(b) a roofed-over porch having a minimum width of 30% of the lot width and a minimum depth of 2.0 m shall be provided and maintained for every single family dwelling and two family dwelling;

(c) that notwithstanding Section 18.(3)(d) of Zoning By-law No. 6593, a roofed-over porch shall be setback at least 1.0 metres from the front lot line;

side yards - side yard driveway

(d) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a single family dwelling one side yard of at least 0.9 metres and one side yard of at least 2.7 metres shall be provided and maintained;

(e) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a two family dwelling a side yard of at least 2.7 metres shall be provided and maintained;

(f) no single family dwelling shall be situate less than 3.7 metres from a single family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building;

(g) no two family dwelling shall be situate less than 7.4 metres from a single family dwelling or two family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building;

rear yard manouvering space

(h) that in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained in the rear yard for each single family dwelling;

requirement for garage

(i) for every single family dwelling and two family dwelling, one of the required parking spaces shall be provided and maintained in a detached garage;

lot coverage restriction

(j) lot coverage of all buildings and structures shall not exceed 40% of the lot area;

(k) lot coverage shall mean the percentage of the lot area covered by a building or buildings including accessory buildings;

(l) that notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;

(x) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the Blocks "1", "2", "3", "4" and "5" on Zoning District Map W-37D be notated S - ;

(xi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council;

(xii) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Blocks "1", "4" and "5" to Schedule "A";

(xiii) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Blocks "1", "4" and "5" under Site Plan Control;

(xiv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(xv) That upon finalization of the implementing Zoning By-law, the approved Falkirk West Neighbourhood Plan be amended to redesignate Blocks "1", "2" and "3" from "Single and Double" Residential to "Innovative Housing" and to recognize the road pattern and lotting configuration as shown on the proposed draft plan of subdivision.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide changes in zoning for lands located west of Upper Paradise Road and south of Kordun Street, known municipally as 1016, 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

Blocks "1", "2", "3" and "4"	-	From "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District;
Block "5"	-	From "C" (Urban Protected Residential, etc) District to "D" (Urban Protected Residential - One and Two Family, etc.) District; and,
Block "6"	-	From "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

In addition, the applicant has requested the following variances to allow for the development of Blocks "1", "2" and "3" for "wide-lot dwellings" and Blocks "4" and "5" for "neo-traditional" housing. With respect to Block "5", the By-law prohibits the development of the subject lands until the holding provision has been removed which is conditional upon the realignment of Upper Paradise Road.

"Wide Lot" Single and Semi-Detached Dwellings

The variances required for the development of "wide lot" single detached and semi-detached dwellings are as follows:

- Lot Width and Lot Area

  For Block "2", a minimum lot width of 11.0 metres and an area of at least 325.0 square metres whereas the provisions of the "D" District require a minimum lot width of 12.0 metres and a minimum lot area of 360 square metres for a single detached dwelling.

  For Block "3", a lot area of 350 m^2 whereas the provisions of the "D" District require a minimum lot area of 360 m^2 for a single detached dwelling.

  For Block "3", a lot area of 500 m^2 whereas the provisions of the "D" District require a minimum lot area of 540 m^2 for a semi-detached dwelling.

- Front Yard Setback

  For Blocks "1", "2" and "3", a front yard setback of 3.0 m to the main wall of the dwelling and 6.0 m to the garage or carport whereas the provisions of the "D" District require a minimum front yard setback of 6.0 m.

- Lot Coverage

  For Blocks "1", "2" and "3", the maximum lot coverage for all buildings and structures will be restricted to 40% of the lot area whereas the provisions of the "D" District do not contain a maximum lot coverage ratio. Lot coverage is defined as being the percentage of the lot area covered by a building or buildings including accessory buildings.

- Swimming Pools

  For Blocks "1", "2" and "3", swimming pools will be prohibited whereas a swimming pool is a permitted use in the "D" District.

"Neo-traditional" Single and Semi-Detached Dwellings

The variances required for the development Blocks "4" and "5" for "neo-traditional" single detached and semi-detached dwellings are as follows:

- Lot Width and Lot Area

  A lot area of 500 m^2 whereas the provisions of the "D" District require a minimum lot area of 540 m^2 for a semi-detached dwelling.

- Front Yard Setback

A front yard setback of at least 4.5 metres will be required to be provided and maintained whereas the provisions of the "D" District require a minimum front yard setback of 6.0 m.

- Porch Requirements

A roofed-over porch will be required for each single detached and semi-detached dwelling whereas the provisions of the "D" District do not required the provision of a porch. The porch will be required to be minimum width of 30% of the lot width and a minimum depth of 2.0 m.

The roofed-over porch (including stairs) will be permitted to be setback at least 1.0 metre from the front lot line whereas the provisions of the Zoning By-law require a minium setback of 1.5 metres.

- Side Yard Setback and Side Yard Driveway Requirements

For a single family dwelling, one side yard of at least 0.9 metres and one side yard of at least 2.7 metres shall be provided and maintained whereas the provisions of the "D" District require a minimum side yard setback of 1.2 m.

For a semi-detached, a side yard of at least 2.7 metres shall be provided and maintained whereas the provisions of the "D" District require a minimum side yard setback of 1.2 m.

No single family dwelling shall be situate less than 3.7 metres from a single family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building whereas the provisions of "D" District do not directly regulate distances between buildings.

No two family dwelling shall be situate less than 7.4 metres from a single family dwelling or two family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building whereas the provisions of "D" District do not directly regulate distances between buildings.

- Detached Garage and Rear Yard Manouvering Space

For every single family dwelling and two family dwelling, one of the required parking spaces shall be provided and maintained in a detached garage.

The by-law requires that a T-shaped manouvering area be provided and maintained in the rear yard for each single family dwelling.

- Lot Coverage Restriction

  The maximum lot coverage for all buildings and structures will be restricted to 40% of the lot area whereas the provisions of the "D" District do not contain a maximum lot coverage ratio. Lot coverage is defined as being the percentage of the lot area covered by a building or buildings including accessory buildings.

- Swimming Pools

  Swimming pools will be prohibited whereas a swimming pool is a permitted use in the "D" District.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The purpose of the application is to provide for changes in zoning for lands located west of Upper Paradise Road and south of Kordun Street, known municipally as 1016, 1062 and 1088 Upper Paradise Road, as shown on the attached map, on the following basis:

Blocks "1", "2", "3" and "4"	-	From "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District;
Blocks "5"	-	From "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family, etc.) District ; and,
Block "6"	-	From "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

The applicant has requested variances to allow for the development of Blocks "1", "2" and "3" for "wide-lot dwellings" and Blocks "4" and "5" for "neo-traditional dwellings" in accordance with the Falkirk West innovative housing designation and land use policies. Schematic plot plans of the "neo-traditional dwellings" are attached as Appendices "C" and "D".

The requested changes in zoning are to permit the development of the subject lands in accordance with the proposed plan of subdivision "Tiffany Park" as follows:

- 25 "wide-lot" single detached dwellings (Blocks "1" and "2");
- 7 "wide-lot" semi-detached dwellings (Block "3");
- 26 "neo-traditional" single detached dwellings and 2 "neo-traditional"semi-detached dwellings (Blocks "4" and "5"); and,
- 1 block for townhouses (Block 6);

APPLICANT:

Visplar Holdings Inc.

AGENT:

Wellington Consultants Ltd.

SURVEYOR:

A.T. McLaren Limited.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have

- 168 m of lot frontage along Upper Paradise Road;
- a maximum lot depth of 187 m; and
- 4.75 ha of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc) District

Surrounding Land Use

to the north	Single detached dwellings, Multiple Family and vacant lands	"AA" (Agricultural) District and "RT-20" (Townhouse - Maisonette) District
to the south	Single detached dwellings and vacant lands	"AA" (Agricultural) District
to the east	Single detached dwellings and Institutional	"C" (Urban Protected Residential, etc) District and "AA" (Agricultural) District
to the west	Vacant lands	"AA" (Agricultural) District

OFFICIAL PLAN:

The lands are designated **"Residential"** and **"Open Space"** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed plan of subdivision and changes in zoning comply with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Innovative Housing", "Single and Double" Residential" and "Park and Recreational" in the approved Falkirk West Neighbourhood Plan. The proposed changes in zoning and plan of subdivision comply with the Neighbourhood Plan.

However, amendments to the Neighbourhood Plan are required to redesignate Blocks "1", "2" and "3" from "Single and Double" Residential to "Innovative Housing" and to recognize the road pattern and lotting configuration as per the proposed draft plan of subdivision.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Zoning Application 97-42

  We have no objection to a change in zoning to permit the proposed residential development. It is our understanding that variances will be required to permit the reduced front yard requirements. We have no objection to the reduced setback for the residential dwellings, however, we recommend that a condition be included in the implementing by-

law that all required parking spaces be setback a minimum of 6.0 m from the streetline. This will have an impact on the proposed size of a number of corner lots.

In addition, we have concerns regarding the location of the driveways for Lots 15 to 19 and 46 to 49. Therefore, if this application is approved, we request that as a condition of draft plan approval, a plan be submitted to the satisfaction of the Commissioner of Transportation and the Commissioner of Public Works and Traffic. This plan should indicate the driveways for Lots 15 to 19 and 46 to 49. A covenant must be registered on title for each lot showing the approved driveway location.

Subdivision Application 97-08

We recommend that the intersection of Street "A" and Street "D" be modified, as shown on the attached plan, to intersect at right angles."

- The Building Department has advised:

"1. The lands with respect to the above noted subdivision application, are located in an "AA" and a "C" District. By-law 92-25 provided for a zoning district change from "AA" to "C" for a 29.56 m x 95.66 parcel of land fronting on Upper Paradise Road.

2. A schedule which indicates the locations of the proposed "C", "R-4" and "RT-20" Districts has not been received.

3. Please be advised that the "C" District lands require the following:

   - minimum lot width of 12 m
   - lot area of 360 m^2
   - minimum front yard depth of 6.0 m
   - minimum side yard width of 1.2 m
   - minimum rear yard depth of 7.5 m

4. It appears that insufficient side and front yards are proposed.

5. The "D" District lands require the following:

   For every single family dwelling:

   - minimum lot width of 12 m
   - lot area of 360 m^2
   - minimum front yard depth of 6.0 m
   - minimum side yard width of 1.2 m
   - minimum rear yard depth of 7.5 m

It appears that insufficient front yards are proposed.

For every semi-detached dwelling:

- a minimum lot width of 18.0 m
- a minimum lot area of 540.0 sq.m
- a minimum front yard of 6.0 m
- a minimum side yard of 1.2 m
- a minimum rear yard of 7.5 m

It appears that insufficient lot area and front yards are proposed.

6. See Section 10E of Zoning By-law 6593 for all of the requirements of the "RT-20" District for the proposed townhouses.

7. See Section 18 of Zoning By-law 6593 for the requirements of accessory buildings and the front covered porches and steps. It appears that insufficient front yards are proposed for the front porches and steps.

8. Every lot must, for a distance of 4.5 m, abut upon a public highway of a width of at least 12.0 m.

9. The existing building, which interferes with the proposed subdivision, will require the issuance of demolition permits in the normal manner."

- The Regional Environment Department provided the following comments:

Subdivision Application 97-08

"1. We have reviewed this subdivision on the basis of the lot fabric presented at the preconsultation meeting which provides for vehicle turnarounds in the back yards of all single family residential development fronting on Upper Paradise Road.

2. This draft plan of subdivision and the rezoning application is based on a public street being extended south of the proposed mid-block collector street. This street extension is proposed to terminate in a cul-de-sac at the south limits of the subject lands. In our previous discussions with staff of the City of Hamilton Department of Public Works and Traffic and Planning staff, it became apparent that should a public street be extended south of the mid-block collector street, it should then be extended southerly to connect to the east-west street on the neighbourhood plan, south of the subject lands. Since the public street is being extended south, it is the Regional Environment Departments practice to contain the municipal services within the road rights-of-ways and to avoid the creation of easements. This street connection would also provide a vehicle, bicycle and pedestrian connection

between the north and south Neighbourhoods and also permit pedestrians to cross Upper Paradise Road at the future signalized mid-block collector street.

3. Any regrading of the Upper Paradise Road road allowance and the relocation of any utilities requires the approval of the respective agencies and all costs are the sole responsibility of the applicant/owner.

RECOMMENDATIONS

1. That the right of way of Street "A" be shifted southerly by approximately 4 m to ensure that the lane alignment with the school access on the east side of Upper Paradise Road is in accordance with our standard mid-block collector street cross section. The final alignment will be determined at the Engineering Plan stage and this roadway shift must be to the satisfaction of the Commissioner of Transportation.

2. That any works required, as a result of the final engineering design of the intersection of Street "A" and Upper Paradise Road, on lands of the School Board to align and/or widen the access of the School Board to match the mid-block intersection pavement width on Street "A" are the sole responsibility of the applicant/owner.

3. The Street "A" be established at a 26 m width road allowance from the widened limits of Upper Paradise Road to 90 m westerly and that the transition points between road allowance width changes be clearly shown so that the north side of the road allowance will have a 3.0 m transition and the south side will have a 1.0 m transition.

4. That the applicant must submit a plan showing the lotting and driveway locations for Lots 45 to 49 inclusive and Lots 15 to 19 inclusive and finalize the driveway locations to the satisfaction of the City of Hamilton Department of Public Works and Traffic.

5. That a centreline radius on Street "A" of 120 m, adjacent to Lots 29, 35 and 36 should be clearly identified on the plan.

6. That 2 m by 2 m road widening daylight triangles be established on the inside of all the L-shape bends in the roadways. These include Block 62, Lot 24 and Lot 28.

7. That a 12 m by 12 m daylight triangle, established at the widened limits of Street "A" and Upper Paradise Road, be shown as a Block on the final plan and dedicated to the City by Certificate for road widening purposes.

8. That the phasing of this subdivision be to the satisfaction of the City Engineer. The maximum number of residential units temporarily dependent on a single street access shall not exceed 100 units.

9. That the southerly six (6) residential lots (shown as Lots 5 to 10 inclusive) and the temporary sewer easement fronting on Upper Paradise Road not be registered until such time as Upper Paradise Road is realigned vertically to provide required motorists sight lines to the satisfaction of the Commissioner of Transportation.

10. That the alignment of the westerly north-south street shown as Street "D" on the plan be to the satisfaction of the Commissioner of Transportation.

11. That the minimum centreline radius of Street "D", adjacent to Lots 34, 25 and 26 must be no less than 250 m.

12. That Lot 1 must have a minimum frontage of 4.5 m outside of the limits of the 12.0 m by 12.0 m daylight triangle, in order to provide access to Upper Paradise Road.

13. That Street "C", Block "A" and Lots 21 to 28 (inclusive) not be registered until the Falkirk West Neighbourhood Plan is amended to indicate a public street connection south of the mid-block collector street southerly to connect with the east-west street shown on lands to the south of this draft plan.

14. That the Owner not require the issuance of Building Permits for Lots 11, 12, 21, 22 and the Block for that portion of the temporary sewer easement adjacent to Upper Paradise Road until Street "C" is extended to connect to a highway to the south of this plan.

15. That the Owner provides a "temporary" turnaround at the south end of Street "C" to the satisfaction of the City Engineer.

16. That the applicant/owner submit a tree preservation plan for all trees within the Upper Paradise Road road allowance, as widened. This plan must be prepared by a qualified Arborist of Landscape Architect and must include all existing trees, including caliper and species, and whether the trees will be retained or removed. The costs of any tree removal and replacement are the sole responsibility of the applicant/owner.

17. That the 0.30 m reserve shown as "Block 9" on the plan be removed (*Note: Block 9 has been removed on the revised plan*).

18. That the label "Block 6" adjacent to Street "B" be removed from the plan (*Note: Block 6 has been removed on the revised plan*).

19. That the Owner clearly define "Block C" and its boundaries on the plan.

20. That the lands along the north side of Street "A" adjacent to 1046 Upper Paradise Road should be labelled as a Block on the plan (*Note: Labeled as Block 70 on the revised plan*).

21. That the Block numbering on the plan correspond with the lot numbering on the plan.

22. That the Owner show the temporary sewer easement in two (2) blocks (Blocks 74 and 75) to avoid a future severance on the easement.

23. That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands."

Zoning Application 97-42

"1. The designated road allowance width of Upper Paradise Road is 30.48 m. In accordance with this designation we require as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Upper Paradise Road road allowance.

2. We require a daylight triangular road widening as shown on the attached plan, which is outside of the Tiffany Park draft plan of subdivision in order to construct the intersection of the mid-block collector street at Upper Paradise Road. This road widening dedication to the Region will be a condition of development approval. It is the applicants responsibility to negotiate with the adjacent land owners to have this road widening dedicated to the Region.

3. The southerly 6 residential lots (shown as Lots 5 to 10 inclusive) fronting on Upper Paradise Road cannot be developed until such time as Upper Paradise Road is realigned vertically to provide required motorists sight lines. These lots must be shown as one block on the plan and we recommend that the lots be place in a holding zone until such time as Upper Paradise Road is realigned to the satisfaction of the Commissioner of Transportation.

   Alternatively, the applicant/owner can assume responsibility for all costs and construction of the Upper Paradise Road roadway realignment and include these works in a Schedule in the approved and registered Regional subdivision agreement.

   We have reviewed this subdivision on the basis of the lot fabric presented at the

preconsultation meeting which provides for vehicle turnarounds in the back yards of all single family residential development fronting on Upper Paradise Road.

4. We have reviewed Tiffany Park draft plan of subdivision and have made a number of recommendations regarding the internal roadway alignment, the location of the mid-block collector street, the development of the southerly portion of this plan especially south of the mid-block collector street, etc. which will affect the zoning lines and boundaries.

   We recommend that all the issues regarding the lot fabric, street network, etc. on the draft plan of subdivision be resolved prior to the finalization of the zoning application.

5. As the proposed lot fabric on Upper Paradise Road indicates that the driveways will be placed on the property lines, we recommend that special provisions be included in the Zoning By-law which prohibits any visual barriers on the property lines within 3 m of the Upper Paradise Road road allowance limits as widened.

   We have reviewed this application on the basis that the steps will be setback 1.1 m from the property line, the porch will be set back 2.0 m from the property line and the building will be set back 4.5 m from the property line.

6. We understand that the Traffic Division will be required some lot adjustments due to the possible driveway overlaps within the horizontal bends in the roadways.

7. Any works required on lands of the School Board to align and/or widen the access of the School Board to match the mid-block intersection pavement width are the sole responsibility of the applicant/owner.

8. This application and the draft plan of subdivision is based on a public street being extended south of the proposed mid-block collector street. This street extension is proposed to terminate in a cul-de-sac at the south limits of the subject lands. In our previous discussions with staff of the City of Hamilton Department of Public Works and Traffic and Planning staff, it became apparent that should a public street be extended south of the mid-block collector, it should then be extended southerly to connect to the east-west street on the neighbourhood plan, south of the subject lands. Since the public street is being extended south, it is the Regional Environment Departments practice to contain the municipal services within the road rights-of-ways and to avoid the creation of easements if possible. This street connection would also provide a vehicle, bicycle and pedestrian connection between the north and south neighbourhoods and also permit pedestrians to cross Upper Paradise Road at the future signalized mid-block collector street.

Should the Committee approve the zoning and draft plan of subdivision indicating a public street south of the mid-block street, we also recommend that the Neighbourhood Plan be revised simultaneously to include a street connection between the south limits of the street included in this development and the east-west street shown on the Neighbourhood Plan, south of the subject lands."

- The Regional Environment Department, Planning Division advised that:

"**Regional Comments**

The subject lands are identified as "Urban Area" and adjacent to "Environmentally Significant Area (ESA) No. 46 - Tiffany Creek Headwaters" in the Hamilton-Wentworth Official Plan (H.W.O.P.).

The H.W.O.P. contains provisions that proposed land use changes within or adjacent to an ESA be reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), to advise the Regional Environment Department staff on whether the proposed changes adversely impact on the ESA.

In addition to the above noted ESA, the lands in this area also include the Tiffany Creek Wetland Complex, which is a Provincially Significant Wetland. As such, proposed development in this area required the submission of an Environmental Impact Study (EIS), which was reviewed by ESAIEG.

On January 10, 1996, ESAIEG accepted the "Falkirk West Wetland Environmental Impact Study - July 21, 1995", along with Addendum No. 2 dated October 10, 1995, and Addendum 3 dated January 4, 1996, to the EIS, concerning proposed development to the north of the subject lands (i.e. "Bayview Glen Estates - Phase II" - File No. 25T-96008). As such, the recommendations of this EIS is also applicable to this proposal.

It's noted that the Regional Environment Department is currently processing the proposed draft plan of subdivision "Tiffany Park", under Regional File No. 25T-98001.

Therefore, approval of this proposal should be conditional upon the following:

(1) The appropriate recommendations of the "Falkirk West Wetland Environmental Impact Study - July 21, 1995", along with Addendum No.'s 2 and 3 to this EIS.

Provincial Comments:

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands are in an area of known archaeological sites; and is adjacent Upper Paradise Road, which is

a major arterial road with potential vehicular noise impacts, the application falls within the parameters of the PPS, subject to the following conditions:

(1) The proponent shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

(2) That the owner agree to register on title the following noise warning clause for the proposed residential units adjacent to Upper Paradise Road:

Purchasers are advised that noise levels originating from Upper Paradise road may become of concern, occasionally interfering with some activities of the occupant."

- The Hamilton Region Conservation Authority have advised of the following:

"Comments

The site is currently well vegetated. The removal of this vegetation combined with the construction of the subdivision may increase erosion and sedimentation on and off the subject property. To address this, the applicant should prepare and implement an erosion and sediment control plan for the subject property. In addition to our concerns regarding erosion and sediment, staff are concerned with the potential for sediment and construction vehicle encroachment into the wetland/ESA. In this regard, a limit of work fence should be established approximately 5 metres from the edge identified wetland/ESA prior to any site work and maintained until development of the site is complete.

The development of the site will increase impervious areas thereby altering the existing drainage characteristics of the property. As such, a stormwater management plan is required for this site. This report will explain the manner in which stormwater will be conveyed from the site, including stormwater management techniques in accordance with current provincial drainage and stormwater quantity and quality guidelines. The report shall also outline the appropriate Best Management Practices (BMP's) that are to be used to treat stormwater, to ensure no negative impact on the quality and quantity of ground and surface water resources.

Conditions

1. That the applicant prepare and implement an erosion and sediment control plan for the subject property. The approved erosion and sediment control plan shall

show a limit of work fence located approximately 5 metres from the identified edge of the wetland/ESA boundary.

The approved plan should include the following notes:

a. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

b. All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of the City Engineer;

c. Any disturbed areas not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

d. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the applicant prepare and implement a detailed grading plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

3. That the applicant prepare and implement a stormwater management plan for the subject property. The plan shall address water quantity and quality issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater management guidelines are implemented.

4. That the applicant install a 1.5 metre high continuous chain link fence along the rear property boundary adjacent to the Tiffany Creek wetland/ESA of Block 61, to the satisfaction of the Hamilton Region Conservation Authority.

5. That the above noted conditions be included in the Subdivision Agreement for this property."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The subject lands are designated "Innovative Housing", "Single and Double" Residential" and "Park and Recreational" in the approved Falkirk West Neighbourhood Plan. The proposed changes in zoning and plan of subdivision comply with the Neighbourhood Plan.

However, amendments to the Neighbourhood Plan are required to redesignate Blocks "1", "2" and "3" from "Single and Double" Residential to "Innovative Housing" and to recognize the road pattern and lotting configuration as per the proposed draft plan of subdivision.

In addition, Street "C" should be extended to connect to the east-west street on the neighbourhood plan, south of the subject lands. This would avoid the creation of servicing easements and would also provide a vehicle, bicycle and pedestrian connection between the north and south neighbourhoods and also permit pedestrians to cross Upper Paradise Road at the future signalized mid-block collector street. As such, the Falkirk West Neighbourhood Plan should be revised to include a street connection between the south limits of the street included in this development and the east-west street shown on the Neighbourhood Plan, south of the subject lands.

3. The application has merit and can be supported on the following basis:

- it complies with the intent of the Official Plan;
- it provides for a variety of housing types in accordance with the Housing policies of the Provincial Policy Statements; and,
- it is compatible with existing and proposed development in the area.

4. The "Innovative Housing" designation is intended to provide for the construction of residential dwelling units incorporating alternative development standards/zoning requirements responding to a unique segment of the housing market. This will allow for the opportunity to implement and evaluate alternative zoning standards that deviate from the typical suburban built form.

5. In order to permit the development of the subject lands for "wide-lot" and "neo-traditional" single and semi-detached dwellings, variances to the "D" District are required.

The variances required for the development of "wide lot" single detached and semi-detached dwellings on Blocks "1", "2" and "3" are as follows:

- Lot Width and Lot Area

  For Block "2", a minimum lot width of 11.0 metres and an area of at least 325.0 square metres whereas the provisions of the "D" District require a minimum lot width of 12.0 metres and a minimum lot area of 360 square metres for a single detached dwelling.

  For Block "3", a lot area of 500 m^2 whereas the provisions of the "D" District require a minimum lot area of 540 m^2 for a semi-detached dwelling.

- Front Yard Setback

  For Blocks "1", "2" and "3", a front yard setback of 3.0 m to the main wall of the dwelling and 6.0 m to the garage or carport whereas the provisions of the "D" District require a minimum front yard setback of 6.0 m.

- Lot Coverage

  For Blocks "1", "2" and "3", the maximum lot coverage for all buildings and structures will be restricted to 40% of the lot area whereas the provisions of the "D" District do not contain a maximum lot coverage ratio. Lot coverage is defined as being percentage of the lot area covered by a building or buildings including accessory buildings.

- Swimming Pools

  For Blocks "1", "2" and "3", swimming pools will be prohibited whereas a swimming pool is a permitted use in the "D" District.

The variances required for the development of Blocks "4" and "5" for "neo-traditional" single detached and semi-detached dwellings are as follows:

- Lot Width and Lot Area

  A lot area of 500 m^2 whereas the provisions of the "D" District require a minimum lot area of 540 m^2 for a semi-detached dwelling.

- Front Yard Setback

  A front yard setback of at least 4.5 metres will be required to be provided and maintained whereas the provisions of the "D" District require a minimum front yard setback of 6.0 m.

- Porch Requirements

  A roofed-over porch will be required for each single detached and semi-detached dwelling whereas the provisions of the "D" District do not required the provision of a porch. The porch will be required to be minimum width of 30% of the lot width and a minimum depth of 2.0 m.

  The roofed-over porch (including stairs) will be permitted to be setback at least 1.0 metre from the front lot line whereas the provisions of the Zoning By-law require a minium setback of 1.5 metres.

- Side Yard Setback and Side Yard Driveway Requirements

  For a single family dwelling, one side yard of at least 0.9 metres and one side yard of at least 2.7 metres shall be provided and maintained whereas the provisions of the "D" District require a minimum side yard setback of 1.2 m.

  For a semi-detached, a side yard of at least 2.7 metres shall be provided and maintained whereas the provisions of the "D" District require a minimum side yard setback of 1.2 m.

  No single family dwelling shall be situate less than 3.7 metres from a single family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building whereas the provisions of "D" District do not directly regulate distances between buildings.

  No two family dwelling shall be situate less than 7.4 metres from a single family dwelling or two family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building whereas the provisions of "D" District do not directly regulate distances between buildings.

- Detached Garage and Rear Yard Manouvering Space

  For every single family dwelling and two family dwelling, one of the required parking spaces shall be provided and maintained in a detached garage.

  The by-law requires that a T-shaped manouvering area be provided and maintained in the rear yard for each single family dwelling.

- Lot Coverage Restriction

  The maximum lot coverage for all buildings and structures will be restricted to 40% of the lot area whereas the provisions of the "D" District do not contain a maximum lot coverage ratio. Lot coverage is defined as being percentage of the lot area covered by a building or buildings including accessory buildings.

- Swimming Pools

  Swimming pools will be prohibited whereas a swimming pool is a permitted use in the "D" District.

The proposed variances to the "D" District were identified based on the concept plans

submitted by the applicant (see Appendices "C" and "D") and the zoning regulations adopted by other municipalities where this form of development has already been approved.

6. The Regional Transportation Department has advised that the southerly 7 residential lots (Block 5) fronting onto Upper Paradise Road cannot be developed until such time as Upper Paradise Road is realigned vertically to provide required motorists sight lines. As such, the Regional Transportation Department has requested that these lots be placed in a 'H' holding zone until such time as Upper Paradise Road is realigned to the satisfaction of the Commissioner of Transportation.

7. The Falkirk West Neighbourhood Plan designates a 0.60 hectare site (approximately 1.5 acres) at the westerly limits of the mid-block collector as "Park and Recreational". As part of the conditions of draft plan approval, the applicant will be required to dedicate Block 72 to the City of Hamilton for parkland purposes.

   In addition, the neighbourhood plan identifies a bicycle path/pedestrian linkage located within the "Tiffany Creek ESA" buffer. The buffer is a 15 m wide tableland and the City standard for an off-street pathway is a minimum width of 3.0 m and a maximum cross slope of 5% to permit regular maintenance vehicle access. Based on existing elevations, there may be significant grade changes between the limit of residential development and the trail adjacent to the multiple family site. To ensure that the grading within the bicycle path/pedestrian linkage is within City standards, Block "A" should not be registered until such time as the grading plan for the subject lands, including the lands located within the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail, has been approved by the Commissioner of the Regional Environment Department and the Manager of Parks, Parks Division, Department of Public Works and Traffic. Depending on the final approved grading, the size and shape of Block "A" may be reduced to ensure that the grading within the bicycle path/pedestrian linkage complies with municipal requirements.

8. The applicant is proposing to develop 21 lots for single detached dwellings fronting onto Upper Paradise Road. Due to vehicular noise, the Regional Environment Department has identified the need for the following noise warning clause to be registered on title:

   > *"Purchasers are advised that noise levels originating from Upper Paradise Road may become of concern, occasionally interfering with some activities of the occupant."*

   In addition to requiring that the warning clause be registered on title, it is the City's practise that the warning clause be included in all offers of purchase and sale and reservation agreements to ensure that prospective purchasers are advised of potential noise

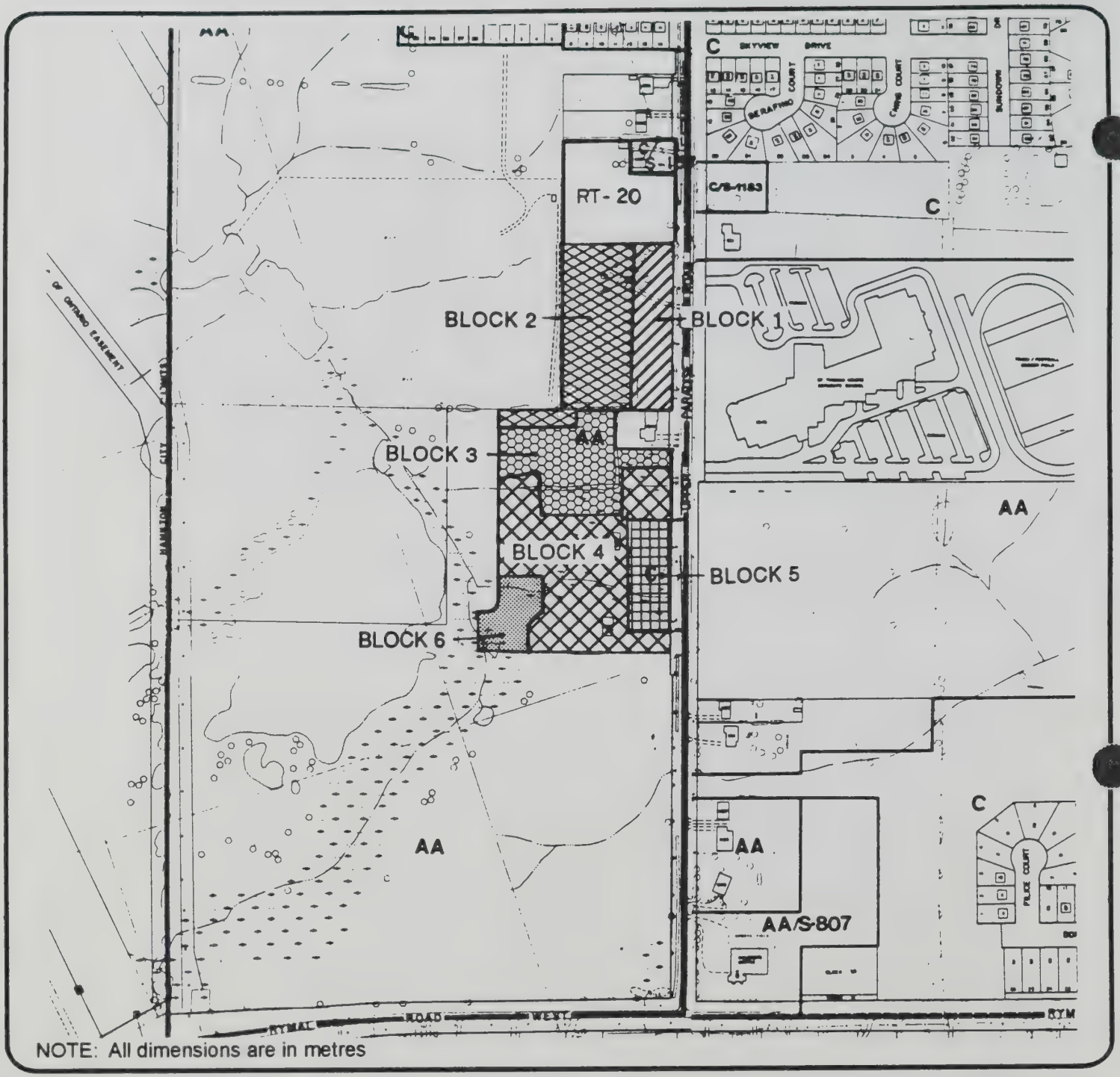
concerns prior to the creation of the building lots at the time of registration of the plan of subdivision.

9. The Regional Environment Department has advised that as a condition of approval, the applicant should undertake an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Furthermore, no demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements. This is a standard condition of draft plan approval imposed by the Regional Environment Department. As such, it is not necessary to include this condition in the City of Hamilton's conditions of draft plan approval.

CONCLUSION:

Based on the foregoing, the applications can be supported.

/sr
SA-98-07.RPT



NOTE: All dimensions are in metres

City of Hamilton

Location Map

Planning and Development Department

Legend

Change in zoning from:

- BLK. 1 — "AA" (Agricultural)District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 2 — "AA" (Agricultural)District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 3 — "AA" (Agricultural)District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 4 — "AA" (Agricultural)District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 5 — "C" (Urban Protected Residential, etc.) District to"D"-'H' (Urban Protected Residential - One and Two Family ,etc. -Holding) District.
- BLK. 6 — "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.

North

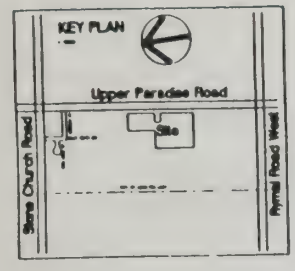
Scale: Not to Scale

Reference File No.: ZAC-97-42& SAC-97-08

Date: MAY 1998

Drawn By: R.L.

APPENDIX "A"



Additional Information required under Section 51 (17) of the Planning Act, of the Province of Ontario

SURVEYOR'S CERTIFICATE

I hereby certify that the boundaries of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are correctly and correctly shown.

June 11/98
date

OWNER'S CERTIFICATE

The VISPLAR HOLDINGS INC. authorize WELLINGTON CONSULTANTS to prepare and submit this Draft Plan of Subdivision to the Regional Municipality of Hamilton-Wentworth.

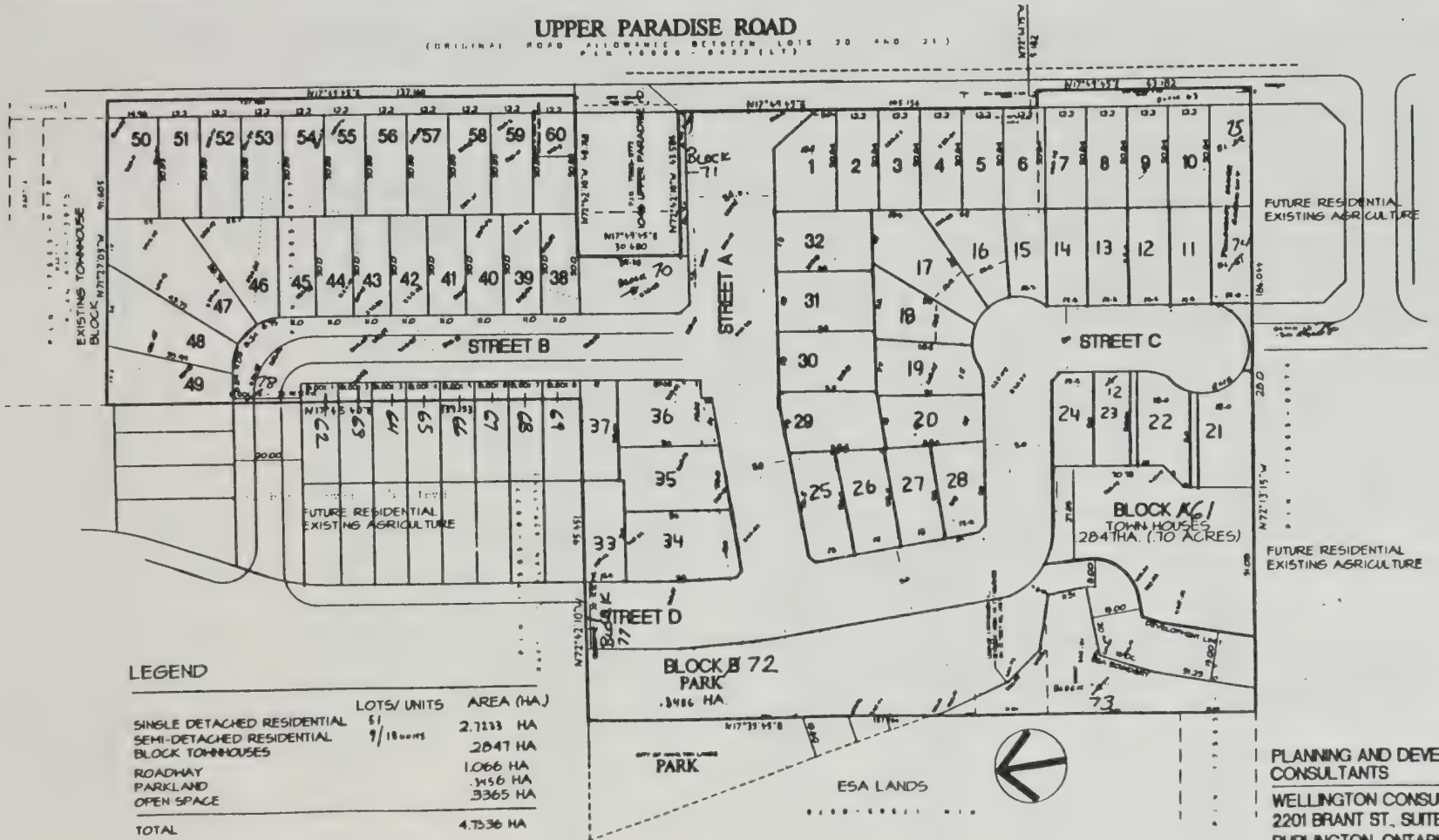
June 11/98
date

President, Bert Labanga

TIFFANY PARK
DRAFT PLAN

BEING A SUBDIVISION OF part lot 21, concession 8, in the City of Hamilton, (formerly in the Township of Stanton), in the Regional Municipality of Hamilton Wentworth

SCALE 1:600



LEGEND

	LOTS/ UNITS	AREA (HA.)
SINGLE DETACHED RESIDENTIAL	51	2.7233 HA
SEMI-DETACHED RESIDENTIAL	9/18 units	.2847 HA
BLOCK TOWNHOUSES		1.066 HA
ROADWAY		.3456 HA
PARKLAND		.3365 HA
OPEN SPACE		
TOTAL		4.7536 HA

PLANNING AND DEVELOPMENT CONSULTANTS
WELLINGTON CONSULTANTS
2201 BRANT ST., SUITE 103
BURLINGTON, ONTARIO L7P 3N8
905 335 6214

MICHAEL SPAZIANI ARCHITECT INC.

NO	REVISIONS	ISSUED
3	REVISED	
2		
1		

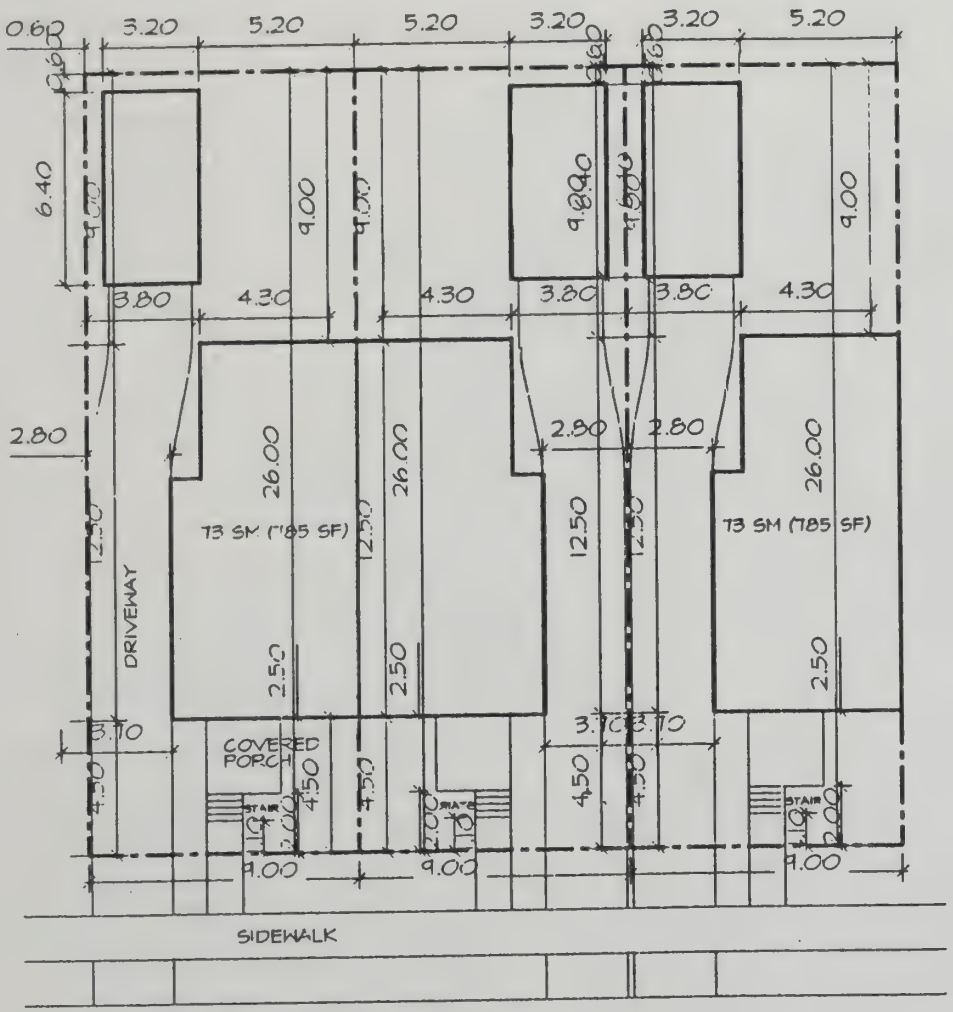
CLIENT
VISPLAR HOLDINGS INC.

PROJECT
TIFFANY PARK HAMILTON

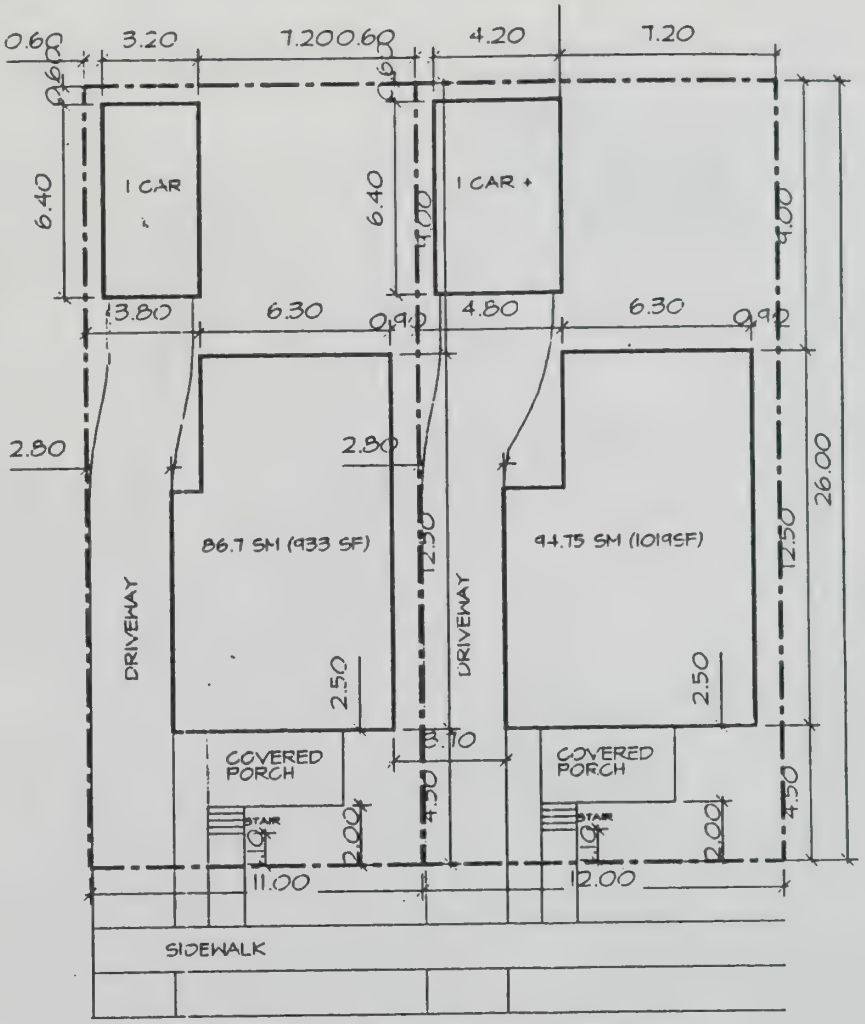
SHEET TITLE
DRAFT PLAN OF SUBDIVISION

PROJECT NO A7044
SCALE 1:600
DRAWN JS
CHECKED MS
FILE NO 7044 SP4
DATE NOV. 24, 97
SHEET NO DP1

APPENDIX "B"



SEMI DETACHED 9 X 26 M



DETACHED 11 X 26 M AND 12 X 26

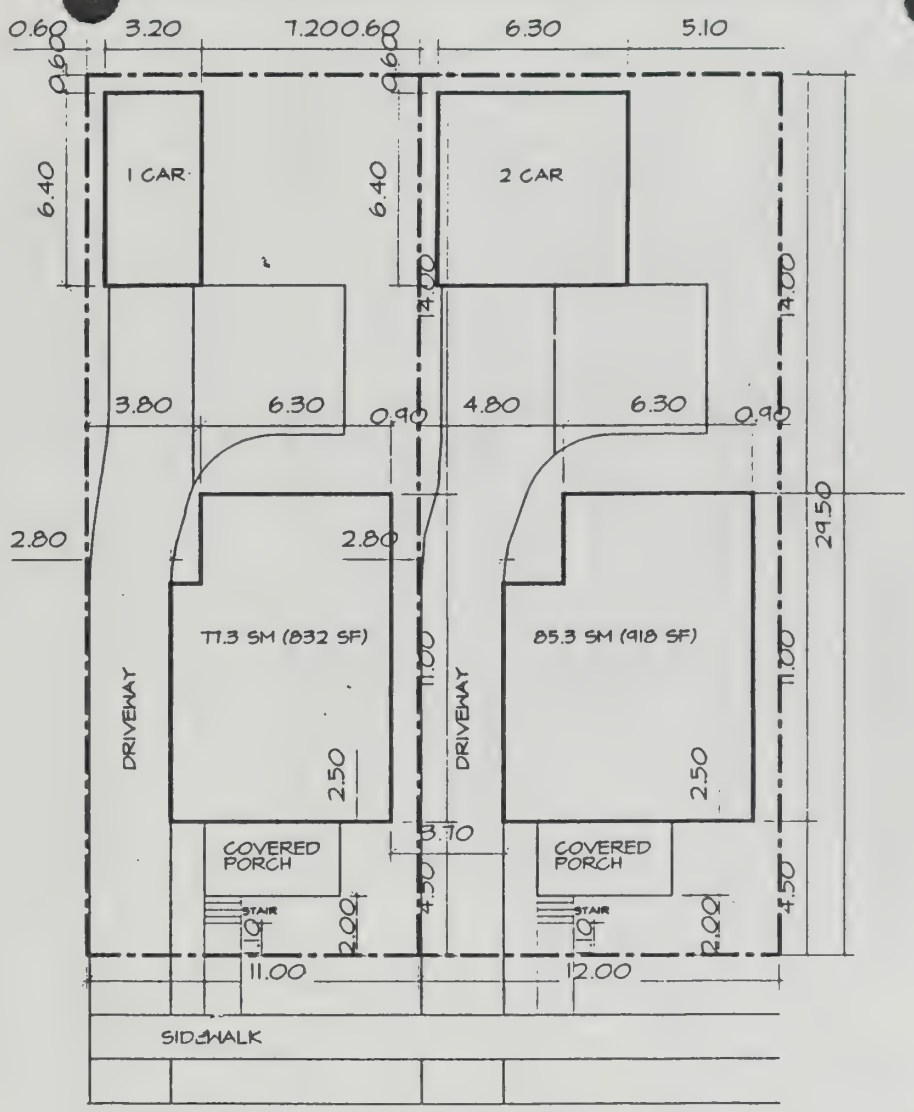
TYPICAL 26 M LOTS

TIFFANY PARK, HAMILTON, ONTARIO

PL1

MICHAEL SPAZIANI ARCHITECT INC.

APPENDIX "C'



DETACHED 11 X 29.5 M AND 12 X 29.5M
TYPICAL 29.5 M LOTS ON UPPER PARADISE

TIFFANY PARK, HAMILTON, ONTARIO

MICHAEL SPAZIANI ARCHITECT INC.

PL2

APPENDIX "D"

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1998 June 8 ZAR-98-16 Blakley Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	Mr. V.J. Abraham, M.C.I.P., R.P.P. Director of Planning and Development Mr. J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for a change in zoning - Rear of No. 27 Albert Street.

RECOMMENDATION:

(a) That approval be given to Zoning Application 98-16, Daniel Ford, owner, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, for lands located at the rear of No. 27 Albert Street, as shown on the attached map marked as APPENDIX "A", to permit development of the lands in conjunction with the front portion of No. 27 Albert Street for one single-family dwelling, on the following basis:

i) That subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.

ii) That the amending Zoning By-law, which has been prepared in a form satisfactory to the City Solicitor and is attached as APPENDIX "B", be presented to City Council for adoption.

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

iv) That the Approved Blakely Neighbourhood Plan be amended by redesignating the lands at No. 27 Albert Street from "Medium Density Apartments" to "Single and Double Residential", upon finalization of the implementing Zoning By-law.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, for lands located at the rear of No. 27 Albert Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the use of the subject lands, in conjunction with the front portion of No. 27 Albert Street, for one single detached dwelling. The front portion of No. 27 Albert Street is currently zoned "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The front portion of the property at No. 27 Albert Street is currently vacant and is zoned "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District. However, the rear portion of the property (approximately 10.7 m) was rezoned to "G-3" (Public Parking Lots) District in 1961. The subject lands (rear of No. 27 Albert Street) are vacant and are not being used for parking. The applicant is requesting a rezoning back to "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, to create a building lot for a single family dwelling. The building lot would have 15.24 m (50 ft.) of frontage on Albert Street, 32.9 m (108 ft.) of depth and an area of 501.7 m^2 (5,400 sq. ft.).

APPLICANT:

Daniel Ford, owner.

LOT SIZE AND AREA:

The subject lands consist of the rear of no. 27 Albert Street, therefore, the area to be rezoned has no frontage on Albert Street. The parcel to be rezoned has:

- a width of 15.24 m (50 ft.);
- a depth of 10.67 m (35 ft.); and,

- an area of approximately 162.6 m^2 (1,750.3 sq. ft.).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant land	"G-3" (Public Parking Lots) District
Surrounding Lands		
To the north	Offices and Parking area	"G-3" (Public Parking Lots) and "D" (Urban Protected Residential - One and Two Family Dwellings) District
To the south	Single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District
To the east	Single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District
To the west	Single and two-family dwellings	"D" (Urban Protected Residential- One and Two Family Dwellings) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands, as well as the front portion of No. 27 Albert Street, are designated "Medium Density Apartments" by the Approved Blakely Neighbourhood Plan. The entire property at 27 Albert Street should be redesignated to "Single and Double Residential".

COMMENTS RECEIVED:

- The Building Department, Department of Public Works and Traffic and Hamilton Region Conservation Authority have no comments or objections.

- The Regional Environment Department has advised that:

"1. According to our records the existing road allowance width of Albert Street is 15.24m. Therefore we do not anticipate any further road allowance widenings at this time.

2. According to our records there is a wooden fence located within the Albert Street road allowance. This fence encroachment is contrary to the City of Hamilton Street By-law and remains at the sole risk of the applicant/owner. We recommend that the fence be removed from the road allowance through the development of these lands.

3. According to our records the alley to the rear of the subject lands is public unassumed. Therefore the City of Hamilton cannot grant free and clear access to the rear of these lands from the alley.

4. For the information of the applicant, the elevation of the required parking space should be a minimum of 0.10m above the municipal sidewalk elevation on Albert Street with the grade of the driveway on private property not to exceed 7%.

5. In the absence of any other details shown, any works which may occur within the Albert Street road allowance must conform to the City of Hamilton Streets By-law."

- The Planning Division of the Regional Environment Department has advised that:

"Regional Comments: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

Provincial Comments: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS, provided the subject lands has no potential for site contamination."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal does not comply with the Approved Blakely Neighbourhood Plan. The entire property at No. 27 Albert Street (front and rear) should be redesignated from "Medium Density Apartments" to "Single and Double Residential".

3. The proposal has merit and can be supported on the following basis:

   - It complies with the intent of the Official Plan, which designates the lands "Residential"; and

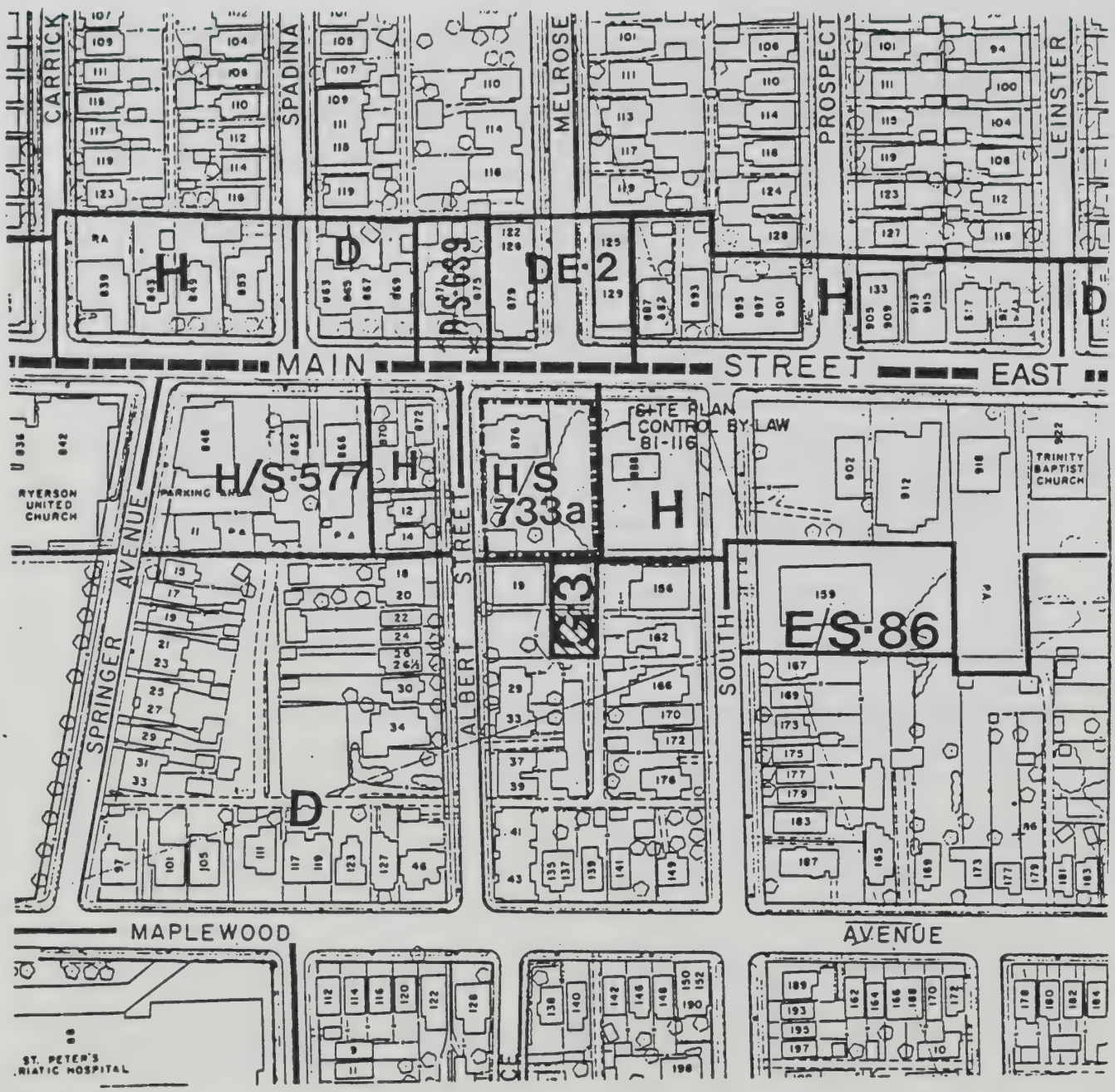
   - The proposed single-family dwelling would be compatible with the surrounding development and consistent with residential development to the south, west and east.

4. The Regional Environment Department has commented that there is a wooden fence upon the lands at No. 27 Albert Street which encroaches onto the Albert Street road allowance. The applicant should be advised that this encroachment is contrary to the City of Hamilton Street By-law and the fence should be removed from the road allowance.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-98-16
	Date	Drawn By
	April, 1998	R.L.

APPENDIX A

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE REAR OF NO. 27 ALBERT STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-34 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

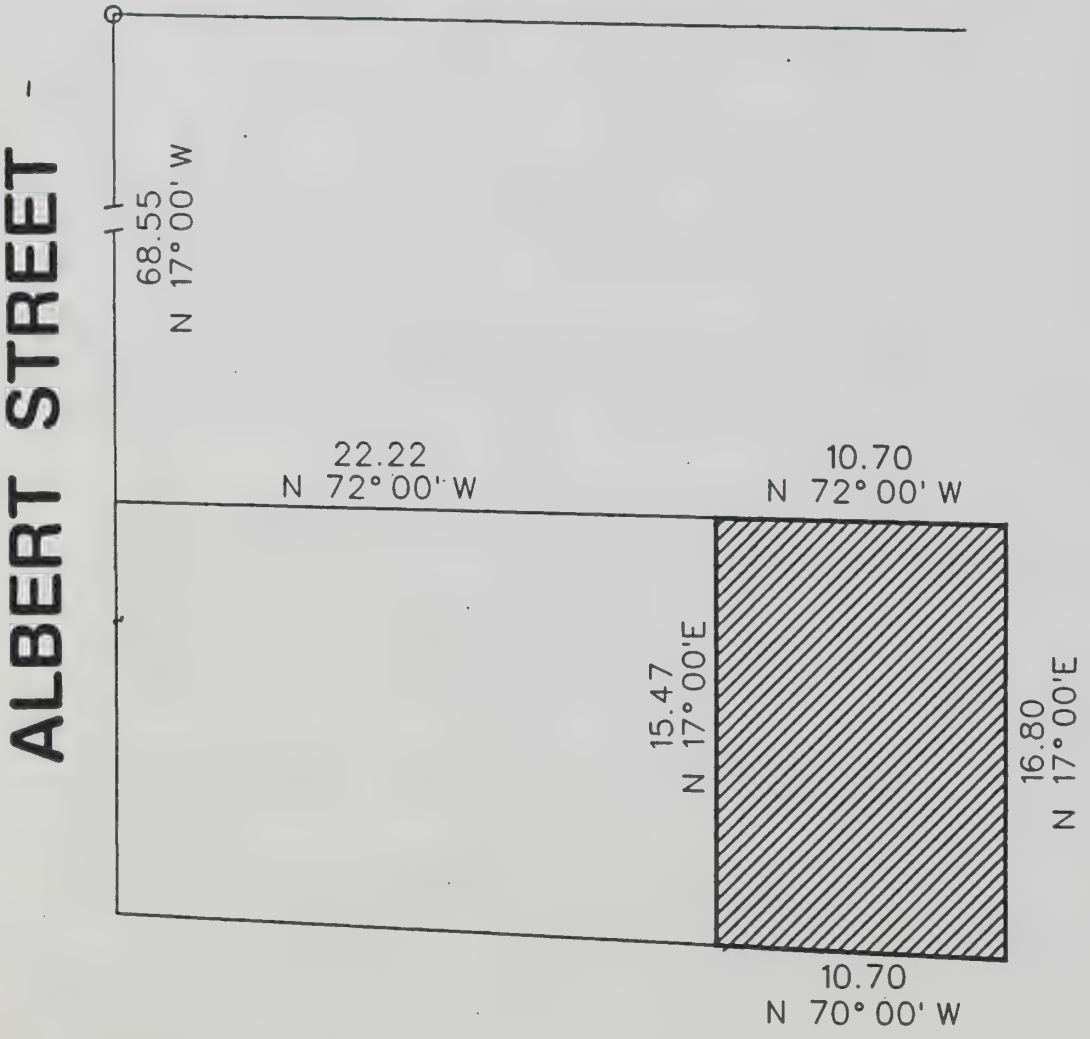
PASSED this day of A.D. 1998.

CITY CLERK MAYOR

(1998) R.P.D.C. , (June 30)
Daniel Ford, applicant
ZAR-98-16

APPENDIX B

MAIN STREET EAST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the ..... day of ..... , 1998.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-.....

Planning and Development Department

Legend

Change in zoning:

From "G-3"(Public Parking Lots) District to "D" (Urban Protected Residential -One and Two Family Dwellings, etc.) District

North

Scale: Not to Scale

Reference File No.: ZAR-98-16

Date: JUNE 1998

Drawn By: D.L.

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 8
ZAR-98-19
Butler Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a changes in zoning - Nos. 349 and 353 Acadia Drive.

RECOMMENDATION:

(a) That approval be given to Zoning Application 98-19, Jacinto Arruda, owner, for changes in zoning from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "R-4" (Small Lot Single Family Dwelling) District, to permit two small lot detached dwellings, for the lands located at Nos. 349 and 353 Acadia Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District.

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District.

iii) That the amending Zoning By-law, which has been prepared in a form satisfactory to the City Solicitor and is attached as APPENDIX "B", be presented to City Council for adoption.

iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "R-4" (Small Lot Single Family Dwelling) District, for lands located at No. 349 and 353 Acadia Drive, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the use of the subject lands for two small lot single-family detached dwellings.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Land Severance Applications B-98-24 to 26

On April 29, 1998, the Committee of Adjustment conditionally approved land severances B-98-25 and 26, for the lands located at No. 564 Stone Church Road East, to create two new lots fronting onto Acadia Drive (No. 349 and 353), as shown on the attached APPENDIX "C". The new lots will have widths of 10.15 m and areas of 310.7 m^2. Applications B-98-24 and 25 established maintenance easements, for proposed 0 m side yards. However, the subject lands are zoned "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District, which does not permit the proposed lot sizes and yards. The proposed lots require "R-4" (Small Lot Single Family Dwelling) District zoning.

- Minor Variance Application A-98-74

In order to expedite development of the lands, the applicant chose to apply to the Committee of Adjustment for variances to the Zoning By-law to permit the small lots (rather than applying for a rezoning to "R-4" (Small Lot Single Family Dwelling) District). On April 29, 1998, the Committee of Adjustment approved the necessary variances under application A-98-74. As a condition of approval, prior to the issuance of a building permit, the applicant is required to apply for the appropriate rezoning (i.e. to "R-4" District).

- Proposal

The proposal is to rezone the subject lands, Nos. 349 and 353 Acadia Drive, as shown on the attached map marked as APPENDIX "A", from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "R-4" (Small Lot Single Family Dwelling) District, to permit two small lot single family detached dwellings. The proposed rezoning will implement a condition of minor variance application A-98-74, as noted above.

APPLICANT:

Jacinto Arruda, owner.

LOT SIZE AND AREA:

The subject lands have:

- 20.30 m of lot frontage on Acadia Drive;
- 30.6 m of lot depth; and,
- 621.4 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
Surrounding Lands		
To the north	Single detached dwelling	"C" (Urban Protected Residential, etc.) District
To the south	Single detached dwellings	"R-4" (Small Lot Single Family Dwelling) District
To the east	Vacant	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the west	Vacant and single detached dwellings	"C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single Family Dwelling) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" by the Approved Butler Neighbourhood Plan. The proposal complies with the Approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:

  Comments yet to be submitted.

- The Department of Public Works and Traffic and Hamilton Region Conservation Authority have no comments or objections.

- The Regional Environment Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands."

COMMENTS:

1. The proposal complies with the Official Plan and the Approved Butler Neighbourhood Plan, which designate the subject lands "Residential" and "Single and Double Residential", respectively.

2. The proposal has merit and can be supported, on the following basis:

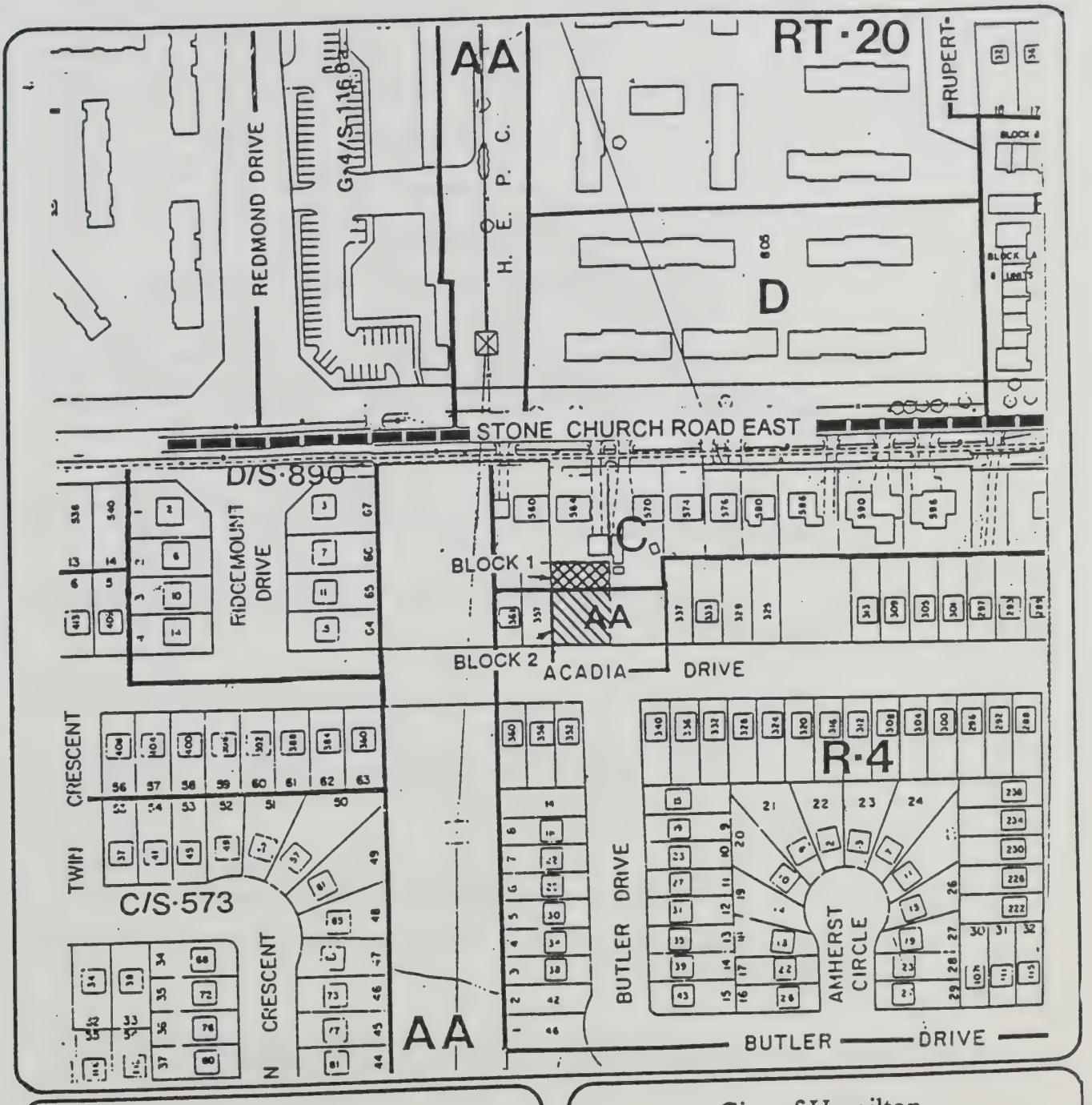
   - It complies with the Official Plan and Approved Butler Neighbourhood Plan.

   - The proposed small lot single-family dwellings would be compatible with the surrounding development and consistent with established small lot residential development along Acadia Drive.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

Block 1 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District.

Block 2 — "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District.

City of Hamilton

Location Map

Planning and Development Department

North	Scale	File number
	NOT TO SCALE	ZAR 98-19
	Date	Drawn By
	May 1998	R.L.

APPENDIX A

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT NOS. 349 AND 353 ACADIA DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-27C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Block 1; and,

(b) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Block "2",

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

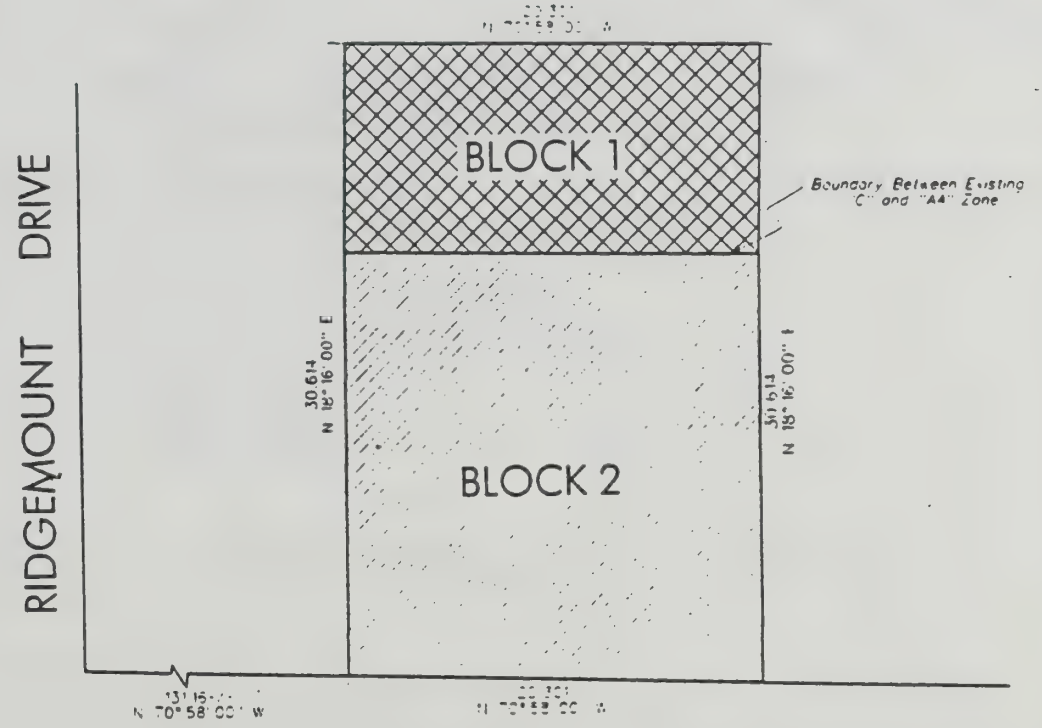
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1998.

CITY CLERK MAYOR

(1998) R.P.D.C. , (June 30)
J. Arruda, applicant
ZAR-98-19

APPENDIX B



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the ..... day of ....., 1998.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-.....
to Amend By-Law No.6593

Planning and Development Department

Legend

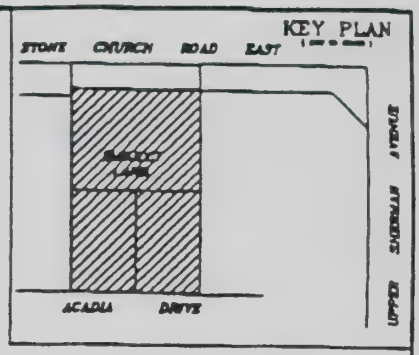
BLK 1 — "C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single Family Dwelling) District.

BLK 2 — "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District.

North	Scale	Reference File No.
	Not to Scale	ZAR-98-19
	Date	Drawn By
	JUNE 1998	R.L.

SKETCH SHOWING PROPOSED SEVERANCE OF
PART OF LOT 1
REGISTERED PLAN 909
(HOLLAND SURVEY)
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE 1:400



STONE CHURCH ROAD EAST
(ROAD ALLOWANCE BETWEEN CONCESSIONS 7 & 8)

PART 2, 62R–9701

PARCEL "A" (3.03m WIDE)

N 70°38'00" W 20.301

(PART 1)
LANDS TO BE RETAINED
AREA=649.7m²

PART 4
62R–9701
P.I.N. 16920–0471 (LT)

PART 1
62R–14386

62.618
32.004
32.004
62.618

CONCESSION 8

REGISTERED PLAN 909

N 70°38'00" W 20.301

10.151
10.150

LOT 1

LOT 2

N 18°16'00" E

(PART 4)
AREA=27.8m²
30.614
1.200

(PART 2)
LANDS TO BE SEVERED
AREA=310.7m²
30.614
N 18°16'00" E 23.130

(PART 3)
LANDS TO BE SEVERED
AREA=282.9m²
30.614
N 18°16'00" E 23.130

(PART 5)
AREA=27.8m²
1.200

PART 4
62R–11745
P.I.N. 16920–0473 (LT)

PART 2
62R–14386

10.151
1.200
8.950
10.150

N 70°38'00" W 20.301

PART 18
62R–10529

PART 3
62R–10529

PART 7
62R–10529

6 2 R – 1 1 2 8 1

ACADIA DRIVE P.I.N. 16920–0140 (LT)

(OPENED BY BY–LAW No. 80–262 REGISTERED AS INST. No. 043789)

NOTE:
THIS SKETCH HAS BEEN PREPARED FOR
LAND DIVISION PURPOSES ONLY.

NOTE:
BOUNDARY INFORMATION SHOWN ON
THIS PLAN IS TAKEN FROM
REFERENCE PLANS 62R–10529 & 62R–14386

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APPENDIX C

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 17
ZAC-98-11
McQueston West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for modification in zoning - 260 Melvin Avenue

RECOMMENDATION:

That approval be given to Zoning Application ZAC-98-11, St. Nicholas Ukrainian Catholic Parish, applicant, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwelling, etc.) District, to permit the development of a two storey, 36 unit senior citizens multiple dwelling, in conjunction with the existing church and rectory, for property located at 260 Melvin Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1) That notwithstanding Section 4.(3)(a) of Zoning By-law No. 6597, a senior citizens multiple dwelling will be permitted on the same lot as an institutional building;

(2) That notwithstanding Section 10.(1), a two storey senior citizens multiple dwelling, with a maximum of 36 units, including a common dining room and kitchen as accessory uses, shall be permitted in conjunction with an existing

church and rectory;

(3) That notwithstanding Section 10.(3)(ii), an easterly side yard of not less than 7.8 m shall be provided and maintained;

(4) That notwithstanding Section 10.(3)(iii), a rear yard depth of not less than 12.8 m shall be provided and maintained;

(5) That notwithstanding Section 18A.(1)(c) of Zoning By-law No. 6593, one loading space of 9.0 m x 3.7 m x 4.3 m shall be provided and maintained;

(6) That notwithstanding Section 18A.(7) of Zoning By-law No. 6593, not more than 46 parking spaces of 2.7 m x 5.5 m shall be permitted on the surface parking area;

(7) That notwithstanding Section 18A.(14g), parking provided and maintained in the required front yard shall be set back not less than 3.0 m from the front lot line;

(8) Notwithstanding Section 18A.(24)(b)(i), the existing westerly access drive shall be not less than 4.5 m in width;

(9) Notwithstanding Section 18A.(25), the existing westerly access drive shall be permitted adjacent to the residential district abutting the westerly lot line for a distance of not more than 71.2 m from the northerly lot line;

(10) That notwithstanding Section 18A.(25), the access ramp for the senior citizens multiple dwelling shall be setback a minimum of 2.5 m from the westerly lot line;

(11) A minimum 2.5 m wide planting strip shall be provided and maintained along the westerly lot line for a distance of not less than 50.7 m from the south lot line;

(12) A minimum 50% of the lot area shall be provided and maintained as landscaped area; and,

(13) For the purposes of this by-law, a "senior citizens multiple dwelling" shall mean a multiple dwelling wherein all residents are not less than 55 years of age;

(ii) That the amending By-law be added to Section 19B of zoning By-law No. 6593 as Section S- , and that the subject lands on Zoning District Map W-46 be notated S- :

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council; and,

(iv) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District for lands located at 260 Melvin Avenue, as shown on the attached map (APPENDIX "A").

The effect of the By-law is to permit the development of a 2 storey, 36 unit senior citizen multiple dwelling, in conjunction with the existing church and rectory, with the following variances:

- permit a senior citizens multiple dwelling on the same lot as an institutional building;
- permit a common dining room and kitchen as accessory uses, to the senior citizens multiple dwelling;
- require an easterly side yard of not less than 7.8 m, whereas 1.2 m is permitted;
- require a rear yard depth of not less than 12.8 m, whereas 7.5 m is permitted;
- permit one loading space of 9.0 m x 3.7 m x 4.3 m, whereas one loading space of 18.0 m x 7.0 m x 4.3 m is required;
- permit not more than 46 surface parking spaces of 2.7 m x 5.5 m, whereas parking spaces of 2.7 x 6.0 m are required;
- permit parking in the front yard with a set back of not less than 3.0 m from the front lot line, whereas no parking is permitted in the required front yard;
- permit the existing westerly access drive to continue with a minimum width of 4.5 m, whereas a minimum width of 5.5 m is required;
- permit the existing westerly access drive adjacent to the westerly lot line for a distance of not more than 71.2 m from the northerly lot line, whereas a minimum setback of 3.0 m is required;
- permit the access ramp for the multiple dwelling to be setback a minimum of 2.5 m from the westerly lot line, whereas a minimum setback of 3.0 m is required;
- require a minimum 2.5 m wide planting strip to be provided and maintained along the westerly lot line for a distance of not less than 50.7 m northerly; and,

- require a minimum landscaped area of 50% of the lot area to be provided and maintained.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is proposing to develop a 2 storey, 36 unit senior citizens multiple dwelling, including a common dining room and kitchen as accessory uses, in conjunction with the existing church (St. Nicholas Ukrainian Catholic Church) and rectory (see APPENDIX "B" attached). Thirty-six (36) parking space are provided underground and 55 parking spaces on the surface. Extensive landscaping is proposed in the front, side and rear yards.

APPLICANT:

St. Nicholas Ukrainian Catholic Church, applicant.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 128.016 m on Melvin Avenue;
- a depth of 121.92 m; and,
- a lot area of approximately 11, 928.74 m^2 (1.2 ha).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Church and rectory	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.
Surrounding Lands		

to the north	Apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east and south	Single family and semi-detached dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the west	Single family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Major Institutional" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others apply:

"A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, at densities and scales compatible with the established development pattern;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The is no approved Neighbourhood Plan for the McQueston West Neighbourhood.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.

- The Department of Public Works and Traffic advises:

"We recommend that the plan be modified to provide parking spaces with a minimum length of 6.0m.

We recommend that the access driveways be modified to provide a minimum 7.5m width at the streetline. In addition, all parking spaces should be setback a minimum of 6.0m from the streetline.

We recommend that parking spaces 1 and 36 in the underground parking be deleted in order to avoid potential conflicts between vehicles backing out of these spaces and vehicles entering the underground.

If there is to be a security lock system for the access to the underground the details and location should be shown on the plan.

It is our understanding that one 18.0m by 3.7m loading space is required for the proposed development. Therefore, the plan should be modified to include the required loading space. For the information of the applicant, our preliminary review indicates that the proposed design does not provide adequate manoeuvring to accommodate a semi-trailer, therefore, additional modification to the plan will be required.

Should the Planning Department consider allowing any variances as part of this application, we request the opportunity of reviewing and commenting on these proposed variances prior to this item proceeding."

The Building Department advises:

"1. The proposed use is not permitted in the "D" District.

2. The proposed use is considered a multiple dwelling.

3. Only One (1) principle building is permitted on site.

4. Based on thirty-six (36) dwelling units, forty-five (45) car parking spaces and one (1) loading space measuring 18.0m x 3.7m x 4.3m are required. No loading space provided. Visiting parking should be signed.

5. Each car parking space shall not be less than 2.7m (8.86') wide and 6.0m (19.69') long. The length of the parking space is insufficient.

6. No parking is permitted in the required 6.0m front yard.

7. The access driveway between the church and westerly lot line must be at least 3.0m from the abutting residential district. However, our records indicate that stairway and platform project into the driveway and at this point the access driveway is insufficient in width for the two-way traffic. Should this access be for one-way traffic, the width would appear to comply.

8. The access ramp must be located at least 3.0m from the abutting residential district to the west.

9. The width of the underground parking spaces has not been identified.

10.

Minimum front yard required	6.0m
Minimum side yard required	1.2m
Minimum rear yard required	7.5m"

- The Regional Environment Department (Development Engineering Section) advises:

"1. The designated road allowance width of Melvin Avenue is 26.21m. In accordance with this designation the City of Hamilton previously acquired the 3.048m widening and incorporated the widening into the highway by By-law No. 8177. Therefore we do not anticipate any further road allowance widenings at this time.

2. We require that minimum 3m by 3m visibility triangles be established between the limits of the access and the Melvin Avenue road allowance, as widened, in which the maximum height of any objects or mature vegetation (excluding existing trees) must not exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Melvin Avenue.

3. It appears from our records that the proposed easterly access will require the removal of a street tree and relocation of a Utility Pole. We advise that the removal of any street trees requires the approval of the Forestry Section of the City of Hamilton Department of Public Works and Traffic. Any utility relocation required as a result of the access construction is at the sole expense of the applicant/owner.

   Any access ramps no longer in use must also be removed and the curb, boulevard and sidewalk restored to a standard section.

4. In the absence of any details shown we advise that any works which may occur within the Melvin Avenue road allowance must conform to the City of Hamilton Streets By-law."

COMMENTS:

1. The proposal complies with the Official Plan.

2. The proposal has merit and can be supported on the following basis:

   - it complies with the Official Plan;

   - it represents a unique opportunity to utilize surplus church property to develop a senior citizens multiple dwelling without disrupting the existing streetscape of Melvin Avenue, and will be compatible with adjacent single family and semi-detached dwellings to the east, south and west;

   - it provides affordable housing opportunities for senior citizens; and,

   - the proposal incorporates a high quality of site design including a landscaped turning circle and extensive landscape area for the use of the residents of the

proposed multiple dwelling.

3. The Department of Public Works and Traffic and the Building Department have identified a number of variances which may be required, as follows:

- the by-law permits only one principle building on a lot. The subject lands are 1.17 ha (2.9 acres) and are developed with an existing church, associated parking area and rectory. The subject proposal is for a two storey, 36 unit seniors multiple dwelling in conjunction with the existing church and rectory. On this basis, the multiple dwelling constitutes an additional principle building on the lot, and therefore necessitates a variance which can be supported for the reasons stated above;

- the preliminary site plan shows all the surface parking spaces as 5.5 m in length, whereas the by-law requires parking spaces be not less than 6.0 m in length. Forty-five (45) parking spaces area required for the subject proposal. The preliminary plan indicates 36 of the required parking spaces are located in an underground garage and the balance located on the surface. The underground parking spaces are 6.0 m in length. There is an opportunity on the easterly side of the surface parking area to provide the additional 9 required parking spaces in keeping with the by-law (ie. 6.0 m). However, the remaining surface parking spaces should be maintained at 5.5 m to provide for an appropriate traffic and pedestrian flow from the existing access points on Melvin Avenue and the church, which will not jeopardize the landscape feature proposed in front of the multiple dwelling. The Traffic Department has verbally indicated they can support a variance of this nature. On this basis, the proposed reduction of the parking spaces from 6.0 m to 5.5 m for non-required parking on the surface can be supported;

- the existing parking area for the church is located in the front yard. The preliminary plan for the multiple dwelling also indicates that the proposed surface parking will continue in the front yard, but will be setback approximately 3.0 m., whereas 6.0 m is required. This reflects an existing situation and, the Traffic Department has indicated verbally they can support such a variance. On this basis, the variance to permit parking in the front yard with a minimum setback 3.0 m can be supported;

- the by-law requires one 18.0 m x 3.7 m x 4.3 m loading space for multiple dwellings in excess of 30 units. Further, it is noted that the preliminary site plan does not provide adequate manoeuvring space to accommodate a semi-trailer. The proposed on-site traffic circulation and turning feature in front of the multiple dwelling provides adequate space for a smaller truck. The Traffic Department has verbally indicated they can support the reduced size of the loading area. On this basis, a variance can be supported;

- there is an existing access drive adjacent to the westerly lot line for a distance of approximately 71.2 m, whereas the by-law requires a minimum 3.0 m setback from the adjacent residential district. The Building Department also notes that a stairway and platform encroach onto this driveway thereby, reducing the width of the access drive to 4.5 m. Since these are both existing situations, variances for both can be supported;

- the access ramp to the underground parking is proposed 2.5 m from the westerly lot line, whereas the by-law requires 3.0 m. Based on the preliminary site plan submitted a reduction to 2.5 m can be supported;

- the "D" District requires a minimum side yard of 1.2 m and a minimum rear yard of 7.5 m. The preliminary site plan shows an easterly side yard of 6.0 m, plus a 1.8 m balcony projection, and minimum rear yard of 11.0 m, plus a 1.8 m balcony projection. Given that these two yards abut existing single family and semi-detached dwellings, it is appropriate to increase these yards to 7.8 m and 12.8 m respectively as proposed, to minimize any impacts of the proposed multiple dwelling on adjacent uses;

- the preliminary site plan shows a planting strip along the westerly lot line from the entrance of the access ramp to the underground parking to the southerly lot line (approximately 50.7 m). Since it is adjacent to existing single family development, it is appropriate to require a planting strip in this location;

- the applicant's agent advises that approximately 50% of the lot area will be landscaped. The by-law requires in the "DE" and "E", "E-1" and "E-2" Districts a maximum of 25% of the lot area be landscaped. The "E-3" District requires 40% of the lot area be landscaped. Based on the agent's submission, a requirement of 50% of the lot area for landscape purposes should be required;

- this proposal for a senior citizens multiple dwelling includes a common dining room and kitchen on the first floor. Such uses are not normally contemplated in a multiple dwelling, therefore it is appropriate to permit such amenties as accessory uses; and,

- this proposal is intended for senior citizens. Other such proposals include a definition in the by-law for "senior citizens multiple dwelling". In this regard, it is appropriate to include such a definition.

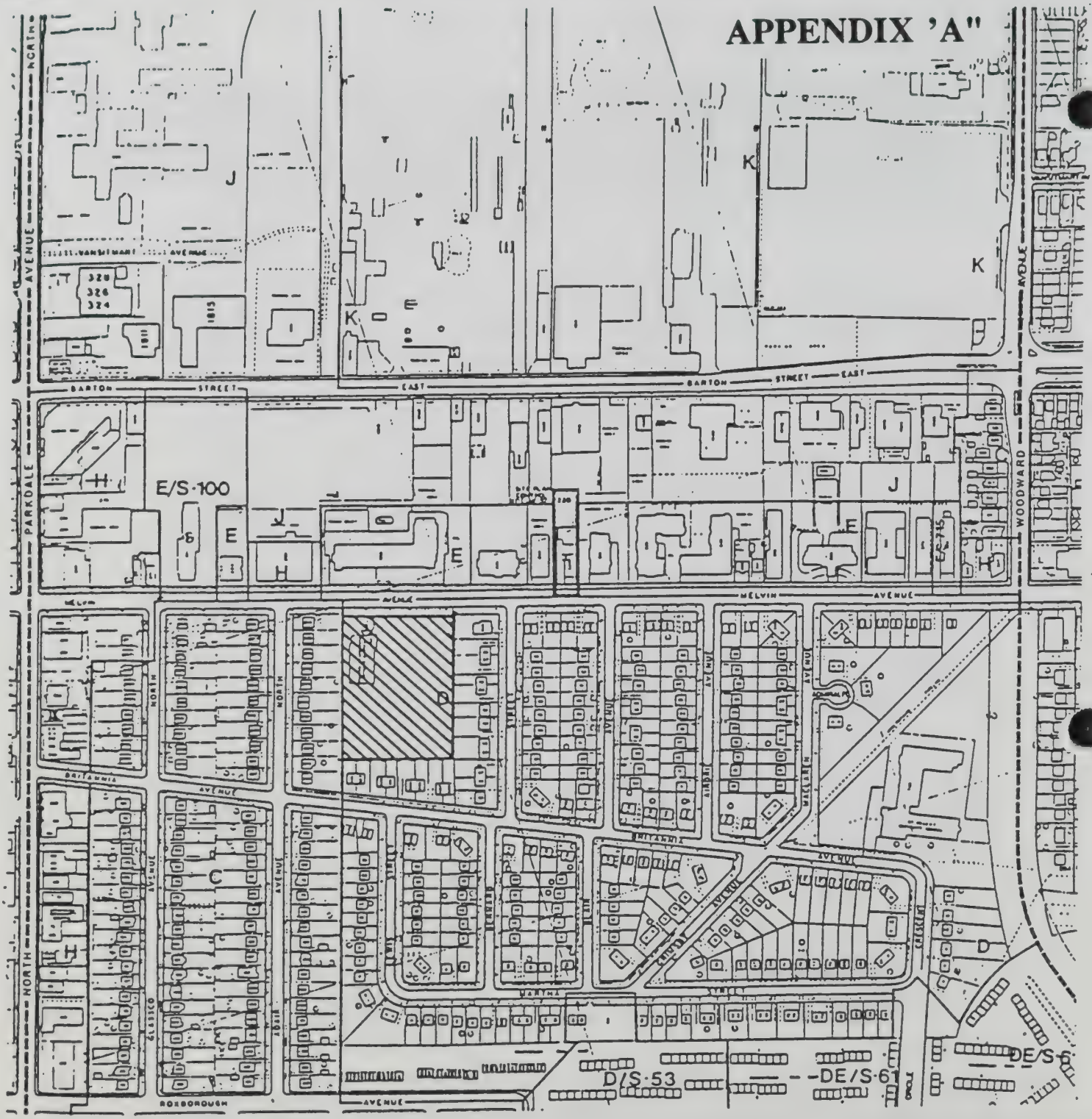
3. The Public Works and Traffic Department also noted a number of issues related to width of access driveways at the street line, configuration of the underground parking area, and security lock system for the underground parking area. The subject lands are under site plan control and, in this regard, these matters can be dealt with through that process.

CONCLUSION:

Based on the foregoing, the application can be supported.

CLP\
ZAC-98-11

APPENDIX 'A"



Legend

Site of the Application

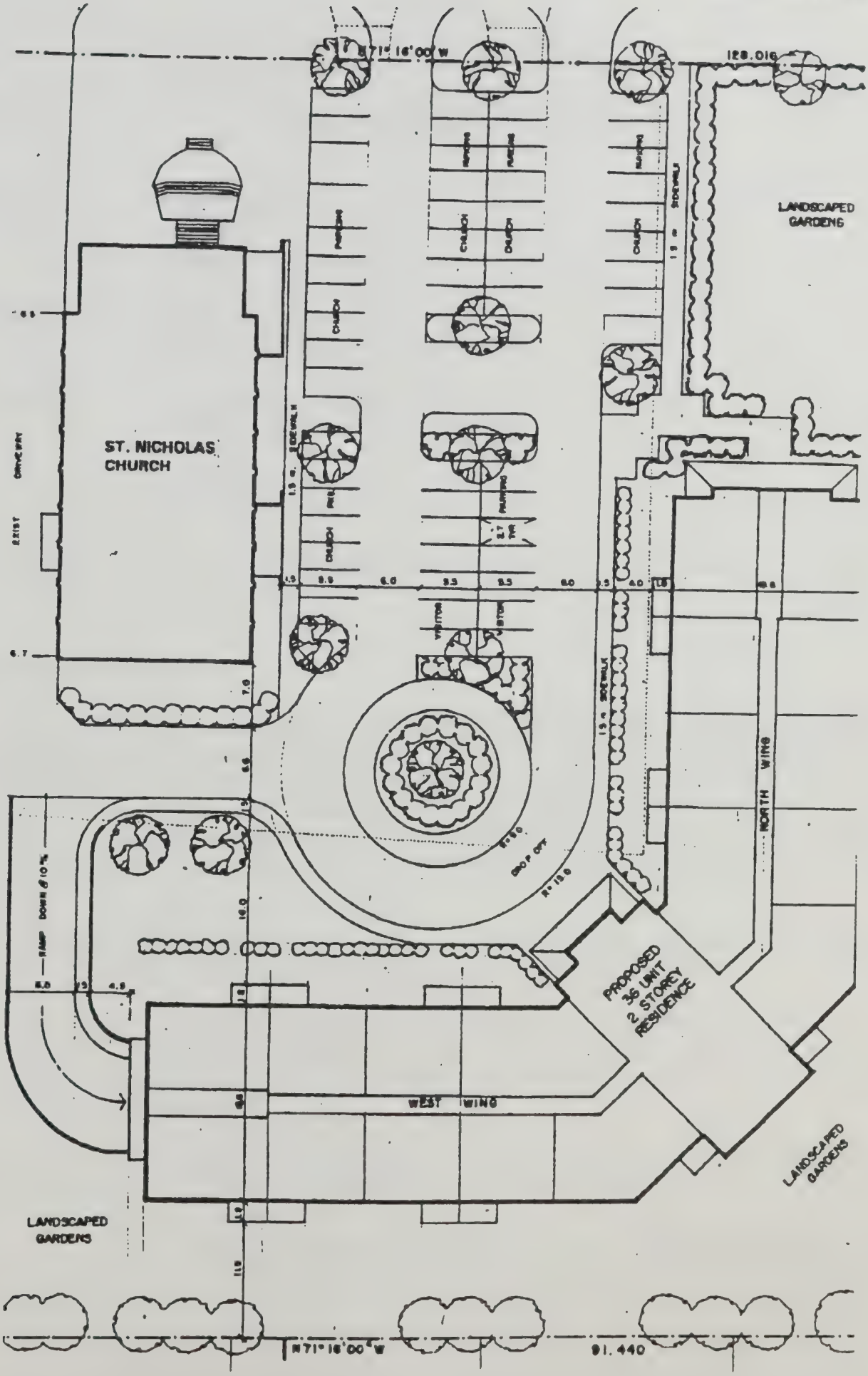
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File
	NOT TO SCALE	ZAC-98-11
	Date	Drawn By
	FEBRUARY, 1998	D.L.

APPENDIX "B"


ST. NICHOLAS CHURCH
LANDSCAPED GARDENS
PROPOSED 36 UNIT 2 STOREY RESIDENCE
NORTH WING
WEST WING
DROP OFF
RAMP DOWN @ 10%
LANDSCAPED GARDENS
LANDSCAPED GARDENS
N71° 16' 00" W
91.440

7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 16
ZAC-98-14
Nashdale Neighbourhood

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - 237 to 247 Centennial Parkway North

RECOMMENDATION:

That approval be given to **Zoning Application ZAC-98-14, H.G.H. Developments Ltd. (A. DeSantis), owner,** requesting a change in zoning from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District modified (Block "1"), and a modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "2"), to permit commercial development, for lands located at Nos. 237 - 247 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;

(ii) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

(1) That notwithstanding Section 14A.(3)(a), no front yard setback shall be provided or maintained for the southerly building only on Block "2";

(2) That notwithstanding Section 14A.(3)(c), a rear yard of a depth of at least 4.5 m shall be provided and maintained to the westerly lot line;

(3) That notwithstanding Section 18A.(1)(d) of Zoning By-law No. 6593, a minimum of one loading space measuring 18.0m x 3.7m x 4.3m shall be provided and maintained;

(4) That not more than one access driveway shall be provided and maintained along the easterly lot line;

(5) That not more than two access driveways shall be provided and maintained along the southerly lot line;

(6) That a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire easterly lot line, except for the area used for an access driveway;

(7) That a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire easterly 70.0 m of the southerly lot line, except for any area used for an access driveway.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-103 be notated S- .

(iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council.

(v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands located at Nos. 237 - 247 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Block "1" - From: "JJ" (Restricted Light Industrial) District

  To: "HH" (Restricted Community Shopping and Commercial, etc.) District, modified

- Block "2" - Modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District.

The effect of the By-law is to establish uniform commercial zoning on the subject lands to recognize existing uses. In addition, the By-law provides the following variances as special provisions to permit the future development of a restaurant on Block "2":

- to eliminate the front yard setback, whereas a minimum of 12.0 m is required;
- to permit a minimum rear yard depth of 4.5 m to the westerly lot line for the existing building on Block "1", whereas 6.0 m is required;
- to permit one loading space measuring 18.0m x 3.7m x 4.3m, whereas two are required;
- to permit only one access driveway from Centennial Parkway North, whereas there are presently two;
- to permit only two access driveways from Barton Street East, whereas there are presently three;
- to require the provision and maintenance of a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, along the entire easterly lot line (Centennial Parkway North), except for any area used for an access driveway;
- to require the provision and maintenance of a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, along the entire easterly 70.0 m of the southerly lot line (Barton Street East), except for any area used for an access driveway.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant proposes to rezone the western half of the subject lands from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for the following reasons:

- to establish uniform zoning on the lands (ie. east half zoned "HH"); and

- to recognize the established uses in the existing plaza, including a power tool store, home decorating store, hairdresser, furniture store, sporting goods store, dry cleaners, health and fitness supply store, wine supply store, and purified water store.

In addition, the applicant has advised it is their intent to construct a future drive-thru restaurant on the easterly portion of the lands (see APPENDIX "B"). In this regard, the applicant has submitted a Site Plan Application (DA-98-18) for the development.

APPLICANT:

H.G.H. Development Ltd., (A. DeSantis) owner.

LOT SIZE AND AREA:

The subject lands have approximately:

- 68.8m (225.8') of frontage on Centennial Parkway North;
- 112.7m (369.7') of frontage on Barton Street East; and
- 9,957m^2 (2.46 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Commercial	"JJ" (Restricted Light Industrial) District and "HH" (Restricted Community Shopping and Commercial, etc.) District
Surrounding Lands		
to the north	Commercial	"JJ" (Restricted Light Industrial) District and "HH" (Restricted Community Shopping and Commercial, etc.) District

to the south	Commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District
to the east	Commercial	"JJ" (Restricted Light Industrial) District
to the west	Commercial	"JJ" (Restricted Light Industrial) District

OFFICIAL PLAN:

The eastern portion of the subject lands are designated **"Commercial"** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan, and are located within Special Policy Area 11. The western portion is located on a boundary between two land use designations. Based on Policy D.8.2, which permits minor boundary adjustments, the proposed change in zoning complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved plan for the Nashdale Neighbourhood.

COMMENTS:

- The Traffic Division, Department of Public Works and Traffic and the Hamilton Region Conservation Authority have no comments or objection.

- The Regional Environment Department has advised of the following:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The following comments were received from the Regional Transportation Department, Roads Division.

  (1) The designated road allowance width of Barton Street is 36.59 m. The Region previously acquired the road allowance widenings on Barton Street and no further road allowance widenings on Barton Street are anticipated at this time.

  (2) The designated road allowance width of Centennial Parkway is 36.58 m. In accordance with this designation we require as a condition of development approval that sufficient lands be dedicated to the City of Hamilton to establish the property line 18.29 m from the centreline of Centennial Parkway as shown on

previous M.T.O. Survey Plans. According to our records, this widening is 3.048 m in width.

(3) As a condition of development approval we require that sufficient lands be dedicated to the Region to establish a 12.19 m by 12.19 m daylight triangle from the widened road allowance limits of Barton Street and Centennial Parkway.

(4) At such time as these lands are required to be dedicated to the City/Region, we will require that the applicant/owner provide the Region and the City of Hamilton with a certification of soil quality which states that the land to be dedicated to the City of Hamilton and the Region for road widening purposes complies with the Interim Guidelines for the Assessment and Management of Petroleum Contaminated Sites in Ontario. Any costs for this soil clean-up, if required, are the sole responsibility of the applicant/owner.

(5) Further comments on access, visibility triangles, grading, etc. on the overall development will be provided at such time as site plans are submitted to this Office for review and approval.

(6) The applicant/owner should be advised that the existing concrete median island on Centennial Parkway, north of Barton Street, will be extended approximately 25 m northerly in 1998. These works were previously approved by City of Hamilton Council when the lands at the northeast corner of Barton Street and Centennial Parkway were developed.

(7) The applicant should be advised that the future widening and reconstruction of Barton Street and Centennial Parkway may include the installation of raised concrete median islands which may restrict access to the subject lands.

(8) No portion of the sign structure or building, etc. is permitted to encroach into the road allowances, as widened.

(9) Any works which may occur within the Barton Street or Centennial Parkway road allowances, as widened, must conform to the respective Streets By-laws."

- The Regional Environment Department, Planning Division has advised of the following:

"**Conformity:**

The above application **CONFORMS** with the Hamilton-Wentworth Official Plan.

REGIONAL COMMENTS: The subject lands are identified as "Urban Area" and "High Density Mixed-use Corridors", in the Hamilton-Wentworth Official Plan.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS, provided the subject lands has no potential for site contamination.

It's noted that the portion of the property within the "HH" zone contained a former motor vehicle repair garage, which has potential for site contamination. As such, the proposal requires further demonstration of how it has regard for the following PPS policies:

3 PUBLIC HEALTH AND SAFETY

3.2 Human Made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, the proposed redevelopment of this portion of the property to a sensitive land use should be subject to the following condition:

1) The applicant submit a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.

As noted, the former repair garage is located outside of the area proposed to be rezoned. However, the above noted condition could be implemented through the Site Plan Control process, which would include the entire property."

- The Building Department has advised that:

"1. The proposed uses, as itemized on page 2, item #7, Existing Use of Property, would be permitted under the "HH" District.

2. Required Front Yard 12.0m
Required Side yard 0.0m
Required Rear Yard 6.0m

3. On the basis of the merger with the lands fronting Centennial Parkway North, the existing rear yard to the westerly lot line of 4.5m, does not comply.

4. The required front yard for the proposed restaurant use must be at least 12.0m. No dimension shown to determine compliance.

5. The enclosed walkway, as well as any mezzanine areas, are to be included in the gross floor area for the purpose of determining the required parking.

6. Based on the proposed gross floor area of 3,106m2, a total of eighty-six (86) parking spaces and two (2) loading spaces measuring 18.0m x 3.7m x 4.3m are required. No actual loading spaces shown.

7. All signage must be in accordance with By-law requirements.

8. An easement has been noted on the plan adjacent to the westerly lot line, which could affect the parking layout and number of parking spaces within that area. It has not been indicated to whom the easement is in favour of."

COMMENTS:

1. The proposal complies with the intent of the Official Plan. There is no approved Plan for the Nashdale Neighbourhood.

2. The proposed change in zoning for the westerly portion of the subject lands has merit and can be supported for the following reasons:

   - it would provide uniform zoning on the subject lands;

   - the proposed "HH" District is a **highway commercial** type zoning which is an appropriate category considering the location of the subject lands at the intersection of two major arterial roads (Barton and Centennial) and the range of established uses; and

   - it is consistent with established zoning on adjoining commercial lands to the north and south.

   With respect to the proposed future restaurant on the easterly portion of the subject lands, it is recommended that the following special provisions be included as variances to the by-law to facilitate the development:

   - that a maximum of one (1) access driveway be permitted from Centennial Parkway North, as proposed (see APPENDIX "B"). Presently, there are two (2) approaches to the site from Centennial Parkway, one of which is at the corner of the intersection. Restriction of the access to the northerly end of the site would improve traffic flow and safety;

   - that a maximum of two (2) access driveways be permitted from Barton Street East, as proposed (see APPENDIX "B"). Presently, there are three (3) approaches

to the site from Barton Street. The proposal to delete the most easterly approach at the intersection would improve traffic flow and safety;

- elimination of the yard requirement(s) to permit the location of the restaurant on the property line at the corner of the site. From a design perspective, this would enhance the streetscape and provide definition to the corner which functions as a gateway. In addition, the Building Department has advised that a variance is required to recognize the established rear yard setback (ie. 4.5 m vs. 6.0 m) to the westerly lot line for the existing building;

- the Building Department has advised that two loading spaces measuring 18.0m x 3.7m x 4.3m are required. An existing loading area is shown at the back of Building B (see APPENDIX "B"). However, it is not accessible from within the property limits. In this regard, the Traffic Division has advised that they can support a variance to require only one loading space, which could be provided between Buildings B and C (see APPENDIX "B");

- a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, should be provided and maintained along the Centennial Parkway frontage, and along the easterly 70.0 m of the Barton Street frontage up to the limit of the most westerly access, except for any area(s) used for access driveways. Typically, a minimum 3.0 m wide landscape strip would be recommended along arterial road frontages. However, the averaging approach would provide the opportunity to create larger islands of landscaping, particularly adjacent to the restaurant, rather than creating a lineal treatment. Furthermore, given the existing as built conditions, no opportunity exists to provide landscaping along the most westerly portion of the Barton Street frontage, without reducing on-site parking.

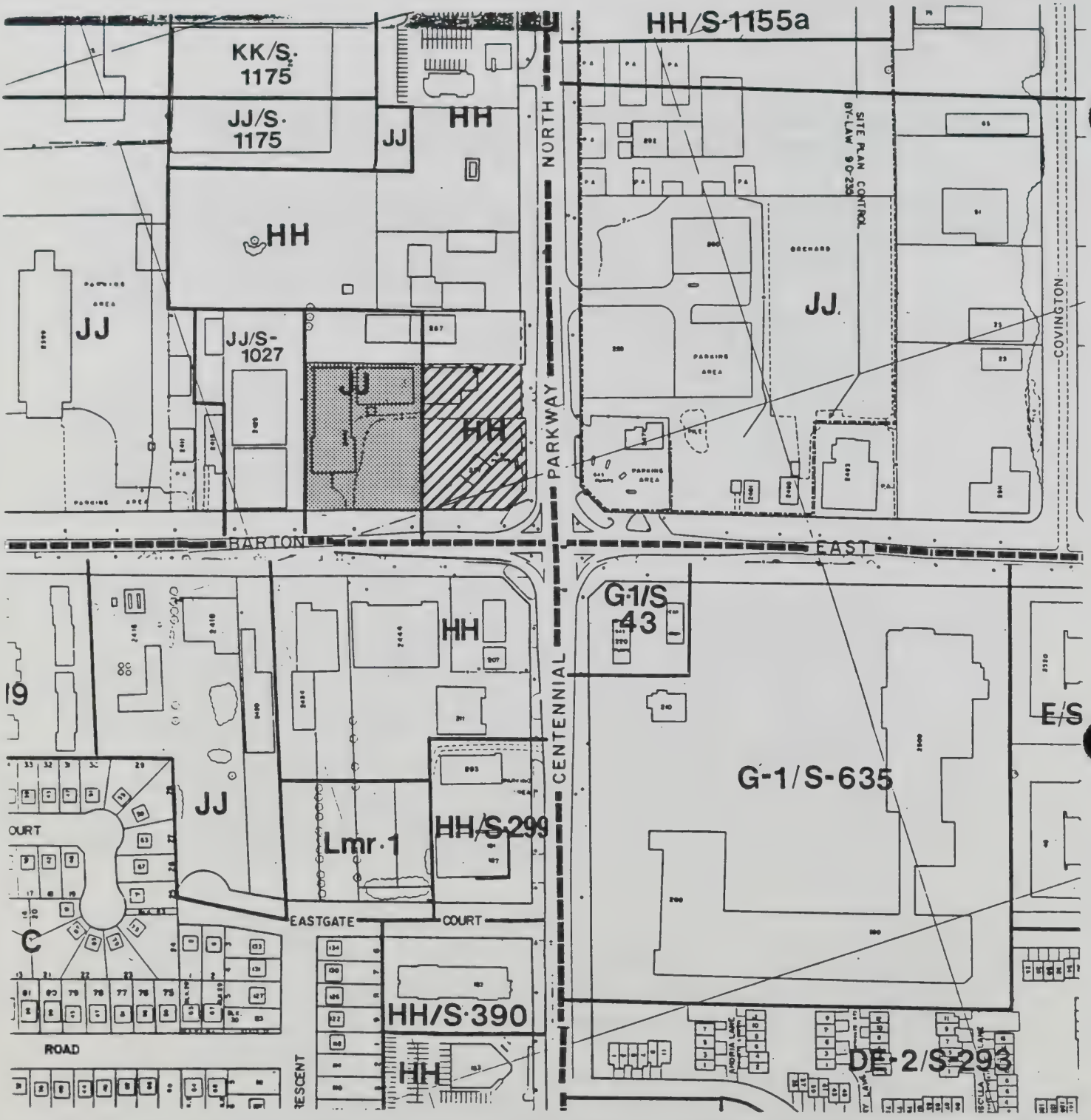
3. Future development of the restaurant would be subject to Site Plan Control. In this regard, the applicant has submitted an application (DA-98-18) as shown on APPENDIX "B". Revisions to the plan will be required to incorporate the landscaping recommendations, improve the proposed drive-thru design, to provide a loading space, etc.

   Matters such as access, grading, parking, etc. will be reviewed in detail as part of the Site Plan process. Furthermore, the recommendation of the Regional Environment Department respecting the requirement for a Record of Site Condition, will be imposed as a condition of Site Plan Approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

PDM/ZAC9814



Legend

BLOCK 1 Change in zoning from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District.

BLOCK 2 Modification to the the ""HH" (Restricted Community Shopping and Commercial, etc.) District.

City of Hamilton

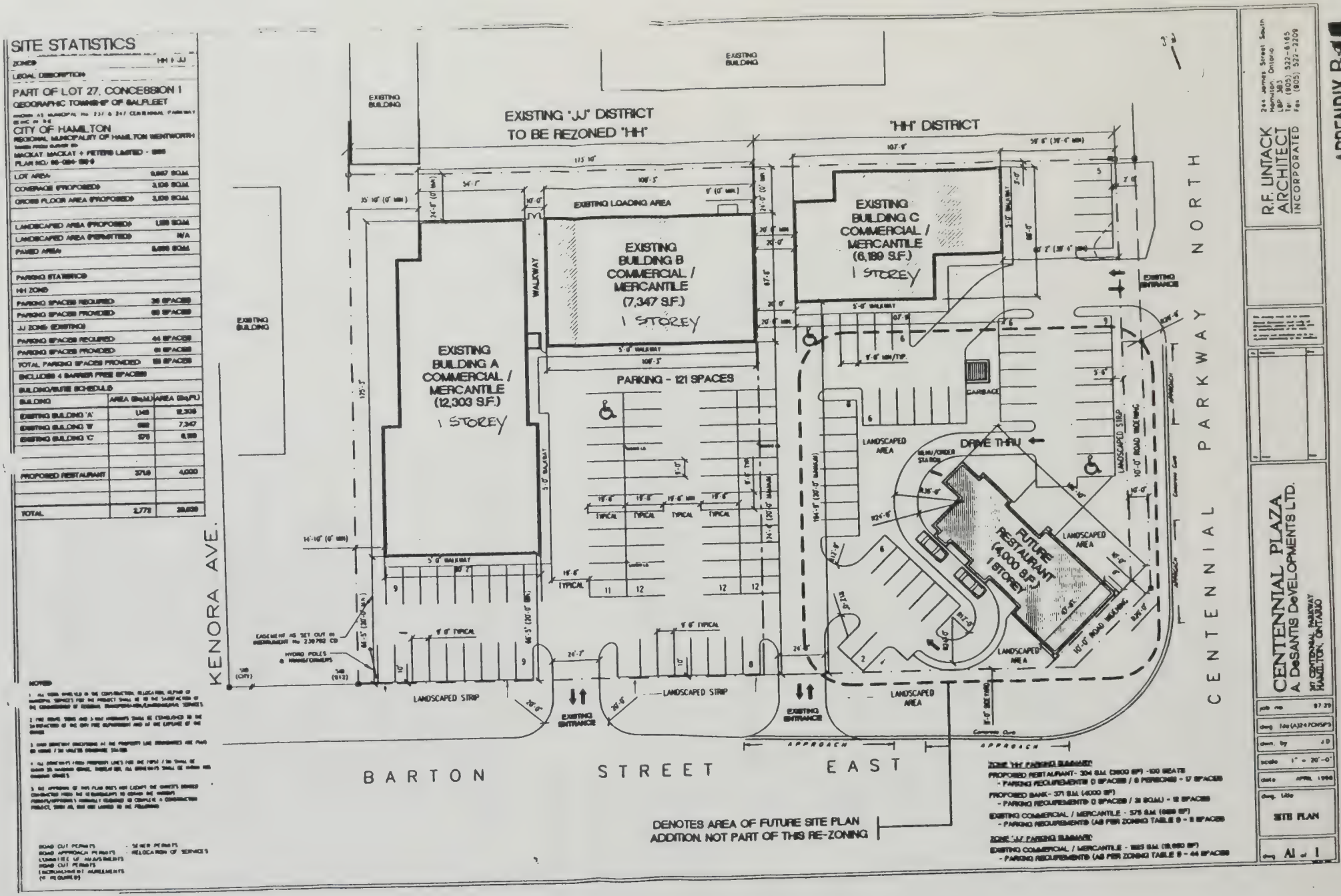
Location Map

Planning and Development Department

North	Scale	Reference File number
	NOT TO SCALE	ZAC 98-14
	Date	Drawn By
	May 1998	R.L.

APPENDIX A-1

APPENDIX B-1


SITE STATISTICS
ZONES HH & JJ
LEGAL DESCRIPTION
PART OF LOT 27, CONCESSION I
GEOGRAPHIC TOWNSHIP OF SALTFLEET
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
MACKAY MACKAY + PETERS LIMITED - 1986
PLAN NO. 62-1984-1918
LOT AREA 0.847 SQ.M.
COVERAGE (PROPOSED) 3,109 SQ.M.
GROSS FLOOR AREA (PROPOSED) 3,109 SQ.M.
LANDSCAPED AREA (PROPOSED) 1,189 SQ.M.
LANDSCAPED AREA (PERMITTED) N/A
PAVED AREA 5,669 SQ.M.
PARKING STATISTICS
HH ZONE
PARKING SPACES REQUIRED 36 SPACES
PARKING SPACES PROVIDED 66 SPACES
JJ ZONE (EXISTING)
PARKING SPACES REQUIRED 44 SPACES
PARKING SPACES PROVIDED 66 SPACES
TOTAL PARKING SPACES PROVIDED 66 SPACES
INCLUDES 4 BARRIER FREE SPACES
BUILDING/SUITE SCHEDULE
BUILDING | AREA (Sq.M.) | AREA (Sq.Ft.)
EXISTING BUILDING 'A' 1,149 12,309
EXISTING BUILDING 'B' 682 7,347
EXISTING BUILDING 'C' 575 6,189
PROPOSED RESTAURANT 371.9 4,000
TOTAL 2,778 29,839
EXISTING BUILDING
EXISTING 'JJ' DISTRICT
TO BE REZONED 'HH'
'HH' DISTRICT
EXISTING BUILDING A
COMMERCIAL / MERCANTILE
(12,303 S.F.)
1 STOREY
EXISTING BUILDING B
COMMERCIAL / MERCANTILE
(7,347 S.F.)
1 STOREY
EXISTING BUILDING C
COMMERCIAL / MERCANTILE
(6,189 S.F.)
1 STOREY
FUTURE RESTAURANT
(4,000 S.F.)
1 STOREY
EXISTING LOADING AREA
WALKWAY
PARKING - 121 SPACES
DRIVE THRU
LANDSCAPED AREA
LANDSCAPED STRIP
GARBAGE
EXISTING ENTRANCE
KENORA AVE.
CENTENNIAL PARKWAY NORTH
BARTON STREET EAST
APPROACH
DENOTES AREA OF FUTURE SITE PLAN
ADDITION. NOT PART OF THIS RE-ZONING
ZONE 'HH' PARKING SUMMARY
PROPOSED RESTAURANT - 304 S.M. (3300 SF) - 100 SEATS
- PARKING REQUIREMENTS 0 SPACES / 0 PERSONS = 17 SPACES
PROPOSED BANK - 371 S.M. (4000 SF)
- PARKING REQUIREMENTS 0 SPACES / 38 SQ.M.) = 10 SPACES
EXISTING COMMERCIAL / MERCANTILE - 575 S.M. (6189 SF)
- PARKING REQUIREMENTS (AS PER ZONING TABLE 9 - 5 SPACES
ZONE 'JJ' PARKING SUMMARY
EXISTING COMMERCIAL / MERCANTILE - 1685 S.M. (18,050 SF)
- PARKING REQUIREMENTS (AS PER ZONING TABLE 9 - 44 SPACES
R.F. UNTACK ARCHITECT INCORPORATED
244 James Street South
Hamilton, Ontario
L8P 3B3
Tel (905) 522-6165
Fax (905) 522-2209
CENTENNIAL PLAZA
A DeSANTIS DeVELOPMENTS LTD.
97 CENTENNIAL PARKWAY
HAMILTON, ONTARIO
job no 97.29
dwg. no (A)24 PCWSP's
drawn by JD
scale 1" = 20'-0"
date APRIL 1998
dwg. title SITE PLAN
dwg. no A1 of 1

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 12
(OPA-HOU)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: Official Plan Amendment -
Protection of Rental Housing Stock

THIRD REPORT

RECOMMENDATION:

a) That approval be given to the proposed Official Plan Amendment to establish policies and to introduce a new Schedule for the protection of the rental housing stock, on the following basis:

i) That a new Schedule "K" - Local Housing Market Zones be added to the Official Plan;

ii) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) a) the rental vacancy rate by dwelling/structure type for the City has been at or above 2.0% for the preceding twenty-four (24) months; and,

b) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City; and,

c) the existing market rent levels for the units proposed to be converted are not below the average market rent levels for the City for rental units of a similar dwelling/structure type and bedroom type; or,

ii) a) the rental vacancy rate by dwelling/structure type for the City has been at or above 2.0% for the preceding twenty-four (24) months; and,

b) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City; and,

c) if the existing market rent levels for the units proposed to be converted are below the average market rent levels for the City for rental units of a similar dwelling/structure type and bedroom type, the rental vacancy rate by dwelling/structure type for the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months; or,

iii) Notwithstanding i) and ii) and only in response to special circumstances, Council is satisfied the removal of the rental housing units will not adversely affect the supply of rental housing in the City.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) one of the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for rental vacancy rates, rent charges, dwelling/structure types will be determined by the rental market surveys conducted by the Canada Mortgage and Housing Corporation (CMHC). Other available statistical data on rental market trends may be used to supplement the CMHC statistics; and,

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

a) Central Hamilton

b) East Hamilton
c) West Hamilton
d) Hamilton Mountain

(b) That the Council adopted policy in regard to condominium conversions and demolitions endorsed by Council on May 26, 1998 be rescinded; and,

(c) That Planning and Development Department staff undertake a review of the Official Plan policies in regard to condominium conversions and demolitions within a two-year period.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee, at its meeting of May 14, 1998, heard deputations from various interested parties from the housing field including landlords/owners, legal clinics, housing organizations (i.e., the Social Housing Action Committee (SHAC), and the Hamilton & District Apartment Association) and tenants on the proposed Official Plan Amendment (OPA). Appendix "A" contains a copy of the previous report on this matter.

Some of the concerns raised included:

- the validity of the Canada Mortgage and Housing Corporation data, which is used to determine rental vacancy rates, the delineation of local market zones and average monthly rent rates;
- the use of rental vacancy rates within local housing market zones compared to the use of rental vacancy rates for the City of Hamilton exclusively;
- the use of average rental rates;
- structural audits for the building; and,
- the City of Windsor Official Plan policies.

One person raised the issue of public notification for the proposed OPA in accordance with the provisions of the Planning Act and the Hamilton Official Plan. Although staff indicated the requirements under the Act have been met, staff determined it would be prudent to hold another formal public meeting in June. The advertisement for the public meeting was placed in the Hamilton Spectator on May 23, 1998.

In the interim, the Committee and Council on May 26, 1998 approved a recommendation to adopt the following as formal Council policy:

"i) That a new Schedule "K" - Local Market Housing Zones be added to the Official Plan;

ii) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;

iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

a) Downtown/Central Hamilton
b) Central East Hamilton
c) East Hamilton
d) West Hamilton
e) Hamilton Mountain"

QUESTIONS TO BE ANSWERED:

1) CMHC Rental Market Survey Data

During every October, CMHC undertakes a survey of privately and publically-initiated apartment structures containing at least 3 units and townhouse structures. The purpose of the survey is essentially to take a "snapshot" at that particular point in time of the rental vacancy rate, (i.e., the number of rental units that are physically vacant and ready for occupancy expressed as a percent), and the average market rents being charged.

In the most recent survey undertaken by CMHC in October, 1997, the privately-initiated apartment universe was identified at 32,588 units. From this total universe, 24,770 units were surveyed accounting for 76.0 percent of the universe. It is from this survey data that statistical extrapolations are made for the entire universe of the rental marketplace.

Some minor limitations of the CMHC rental market survey have been identified:

i) The rental marketplace is not a static entity and a once a year snapshot may not yield adequate information on rental market trends, which can change rapidly;
ii) Although statistically significant, the rental market survey is a survey and approximately one-quarter of all rental units are not surveyed; and,
iii) Some of the survey information provided by landlords and rental management companies may not be accurate and as such the published CMHC numbers may not be entirely reflective of trends within the rental marketplace.

The Hamilton & District Apartment Association (HDAA) in 1991 began a similar rental market survey to that of CMHC. The HDAA survey is conducted three times a year. The May survey is the most comprehensive totalling some 43,000 units. The key difference with this survey is that duplex units are included in contrast to the CMHC survey which excludes duplexes. Further, the HDAA survey only measures rental vacancies and does not quantify average market rents which are part of the CMHC survey.

Nevertheless, the HDAA survey would be very helpful as a companion data source to the CMHC rental survey in the evaluation of rental market trends and conditions. Representatives from the HDAA have indicated to Planning and Development Department staff they would fully co-operate by providing detailed rental market information on an as-needed basis.

2) Local Market Zone Vacancy Rate vs. City-Wide Vacancy Rate

a) *Why Would the City of Hamilton use the Local Housing Market Zone?*

The City of Hamilton is a large municipality within which there are different housing market areas. Local housing market zones will only be used in situations where the average market rents of proposed conversions fall below the City-wide average market rents.

This will ensure that proposed conversions will not adversely affect the supply of rental housing in more specific geographic areas of the City as the minium 2.0 percent vacancy rate test will apply in the local housing market zone context.

b) *Potential Changes to the Delineation of the Local Housing Market Zone?*

In some instances, the current local market zones utilized by CMHC can be considered arbitrary, particularly as they pertain to the Downtown Core. For example, an apartment building on the east side of Queen Street would be categorized within the Downtown Core Zone and an apartment building on the west side would be categorized within the Central Zone.

Accordingly, it would be desirable to eliminate these discrepancies and consolidate the 6 market zones utilized by CMHC into 4 market zones. This consolidation would combine all the CMHC zones in the Lower City east from Highway #403 continuing easterly to the Red Hill Creek Valley resulting in a "Central Hamilton" local housing market zone. This would mean there would be four clear geographic areas that effectively represent the four broad housing market areas within the City of Hamilton. (See Appendix "B".)

c) *What Do Other Municipalities Do?*

Region of Ottawa-Carleton: In 1997, the Region adopted a new Official Plan. One of the policies included in the Plan requires a 3.0 percent vacancy rate (as identified by CMHC) in the Region (amongst other criteria) and the rental prices of units are above the average rental prices for each unit and bedroom type prior to allowing conversions to take place. This Official Plan is not in effect yet and therefore, the Region is using its existing Official Plan provisions.

The existing Official Plan policy requires a minimum 3.0 percent vacancy rate across the Region as well as a 3.0 percent minimum at the sub-market or local zones. For several years, the rental vacancy rates have been less than 3.0 percent and few conversions have taken place. When the vacancy rate started to increase, the use of local market zones became more important. What the Region found was the local market zones did not have appropriate boundaries for the following reasons: 1) it included a lower tier municipality outside the jurisdiction of the Region; 2) one local market zone includes 3 municipalities; and, 3) in some cases, the boundaries dissect buildings which straddle the municipal boundaries. Given these constraints cannot be rectified, the Region chose not to use local housing market zones in the latest Official Plan.

City of Ottawa: The current Official Plan policy requires differential vacancy rates for the City. The downtown area requires a vacancy rate of 5.0 percent whereas the remainder of the City requires a 3.0 percent vacancy rate prior to the consideration of a condominium conversion. The downtown (Inner City) is based on two sub-market zones, as defined by CMHC.

City of Toronto: Toronto uses a 3.0 percent City-wide vacancy rate across the entire former metropolitan area. Traditionally, Toronto has experienced a very low vacancy rate across the city and metro area (1.1 percent) as well as the local market zones. The highest local market zone was 3.1 percent which was in North Etobicoke.[1]

City of Etobicoke: The former City of Etobicoke required a vacancy rate of 2.0 percent across both the City and the local market zones. Although one market zone had a vacancy rate of 3.1 percent, the overall City average was 1.2 percent (see footnote 1).

City of Kingston: Kingston does not have an Official Plan policy but has chosen to have a Council adopted policy dealing with conversions. The essence of the policy requires a vacancy rate of 2.0 percent for both the City and the local market zone. Kingston uses the local market zone because the vacancy rates differ amongst zones and they want to be sensitive to the different market areas.

3) Average Rental Rates

CMHC surveys rental rates for both structure type as well as by bedroom types by local housing market zone throughout the City.

One criteria in protecting the rental housing stock is to compare the rental rates within the building to the average rental rates in the City by bedroom type. The basis for using this criteria is that units that have above average rental rates will be considered by individuals/families who likely have the economic means to secure alternative accommodation, either in the rental marketplace or ownership sector. On the other hand, lower rent units would generally be demanded by individuals/families whose incomes are lower and generally have much less choice in the housing marketplace.

4) Structural Audits

A structural audit is a report prepared by a qualified professional that identifies the deficiencies and structural concerns in a particular building. As part of the survey of other Ontario municipalities, the submission of an audit (or similar practice) is part of the plan of condominium approval process for a number of municipalities.

The Homebuilders' Association have advised they would be prepared to submit a structural audit as part of their plan of condominium application.

The Building Department has advised:

---

[1]With the amalgamation of the 6 municipalities in the former Metro Toronto, the Planning Departments will be developing a comprehensive policy applicable for all municipalities.

"in the light of the City's potential liabilities after we have reviewed one of these audits, I really don't think that there is much to be gained by us or prospective owners. Any audit which is done cannot possibly uncover or find all problems with a building, especially one which is 20 or 25 years old. Unless an intense, expensive study is done the City will be in the position of reviewing reports and placing itself in a position of liability as problems surface in the future. So, the bottom line is that we should not require any audit and instead leave any assessment to prospective purchasers."

Further, the Law Department has advised that:

"a number of issues would arise if the City were to request and take upon itself, the review of structural audits including, but not limited to, the following:

- concerns about whether the Engineers providing the structural audit had the appropriate expertise, and liability insurance;
- concerns about whether Engineers providing structural audits might be judgement proof in the event of a future law suit;
- concerns about the City being dragged into a law suit on the basis of having insufficiently required or reviewed an audit;
- concerns about the ability of Building staff to properly review and critique a structural audit.

Accordingly, it is recommended the City not require structural audits through the conversion process. Individuals interested in purchasing units in buildings that are the subject of a conversion might wish to make their own inquiries as to the structural integrity of buildings before purchasing same."

5) City of Windsor Official Plan Policy

Windsor's Official Plan policy does not have a specific rental vacancy rate threshold or benchmark at the present time. However, there are a number of other criteria/conditions established for proposed condominium conversions:

- existing and prospective tenants to be notified of the application;
- public meeting will be held for the application;
- feasibility of accommodating existing residents within the proposed condominium or the relocation of existing tenants if such accommodation is not feasible;
- the owner is to provide information on the timing of the transition of the rental units and what lease would be offered to the tenants;
- the owner is to give tenants first right of refusal on the purchase of a unit;
- the owner is to pay any outstanding 5 percent parkland dedication;
- the condo conversion will not conflict with the Official Plan, or other housing policies of the City;
- the Building Department is to inspect the property to ensure maintenance standard and occupancy by-law of the City and the Ontario Building code are met; the cost of such inspection is to be borne by the applicant;
- the Fire Department is to inspect property for fire routes and emergency access;
- the Parks and Recreation Department is to inspect landscaping and playground equipment;

- the Public Works Department is to inspect access routes, method of garbage collection, sidewalks, pavements, sewers;
- the Planning Department is to ensure on site plan improvements such as screening, parking, access areas, play areas and other matters; and,
- the owner has to enter into a condominium agreement.

All conditions established by the various Departments are to be agreed upon by the owner/applicant. The Windsor Official Plan policies are more far-reaching than the policies proposed in the City of Hamilton context. The Windsor Official Plan is undergoing a review and consideration is being given to include a vacancy rate threshold.

MEETING WITH THE HAMILTON AND HALTON HOMEBUILDERS' ASSOCIATION:

As part of the consultation process, staff met with representatives of the Homebuilders' Association. Some of the concerns/suggestions/points expressed are as follows:

- home ownership for Canadian families is to be encouraged;
- there was no discretion in the proposed Official Plan policy, (i.e., if the conversions was considered appropriate and the vacancy rate was less than 2.0 percent, then an OPA would be required);
- the city-wide vacancy rate would not discriminate against particular geographic areas of the city;
- allowing conversions is good for tenants;
- using a city-wide vacancy rate instead of local housing market zones will encourage people to move to areas with higher vacancy rates, e.g., the downtown;
- the proposed policy may have the effect of encouraging the conversions of well-maintained buildings rather than less well-maintained buildings that may need upgrading;
- the policy should include more flexibility, i.e., the ability to evaluate the conversions on either a rental vacancy rate or average market rental rate basis.

SUMMARY - WHY IS IT IMPORTANT TO PROTECT THE SUPPLY OF RENTAL HOUSING?

- *Profile of Rental Housing and Tenants in the City of Hamilton:*

The decision by a household to either rent or own their accommodation, and the type of accommodation they choose to rent or own, is based on a number of factors or influences. Some of the key factors include:

1) the age of the "maintainer" or "head of the household" within the household - are they young, middle-aged or a senior citizen?;

2) the type of household - are they a single-person (non-family), a lone-parent with children or a husband/wife with children family?; and,

3) the income of a household - do they have the necessary economic means to purchase a dwelling or are they limited to rental accommodation because of lower incomes.

A number of detailed special tabulations from the 1991 Census of Canada were reviewed to ascertain the characteristics of renter households in the City of Hamilton. Similar data from the 1996 Census of Canada will be available in August, 1998. The key points from the Census data in regard to rental housing and tenant households are as follows:

- Approximately 55,000 dwelling units were tenant-occupied, which represents 44.4 percent of the total dwelling stock in the City of Hamilton;

- Just over two-thirds (69.4 percent) of the total rental housing stock was in the form of apartment units. A further 11.0 percent (approximately 6,000 units) was in the form of row/townhouse units;

- There was a higher percentage of households in the younger age groups that utilized the rental housing stock compared to the ownership stock. For example, 88.1 percent of all households with a maintainer aged 15-24 years were renters and 60.0 percent of all households in the 25-34 years age group were renters. As well, just over one-third (34.1 percent) of all senior citizen households (aged 65 years and over) in Hamilton were renters residing in apartments;

- There was a disproportionately higher percentage of lone-parent households and non-family households, e.g., single-persons, who were renters as opposed to being owners; and,

- Close to three-quarters (73.2 percent) of all very low income households in the City of Hamilton (the 0-20th household income percentile group/less than $15,800 in 1990 dollars), resided in rental accommodation.

Based on the foregoing, it is evident that rental housing, and in particular apartment rental housing, responds to specific demands within the Hamilton housing marketplace. As an example of this specific demand, just over 9,500 of the total 55,000 renter households (17.3 percent) in the City of Hamilton as of 1991 were comprised of single-person or empty nester senior citizen households. Accordingly, this stock of housing is an important component of the full range of housing opportunities that are necessary within Hamilton to meet the present and future housing needs of all residents and a policy in the Official Plan addressing proposed conversions and demolitions is warranted.

SUMMARY:

With additional research and a more detailed review of the concerns expressed by the public and Aldermen, the proposed Official Plan policy for the protection of the rental housing stock has been modified as follows to reflect some of the concerns identified. These modifications, however, have not undermined the primary objective of protecting the rental housing stock:

i) That a new Schedule "K" - Local Housing Market Zones be added to the Official Plan; and,

ii) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) a) the rental vacancy rate by dwelling/structure type for the City has been at or above 2.0% for the preceding twenty-four (24) months; and,

b) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City; and,

c) the existing market rent levels for the units proposed to be converted are not below the average market rent levels for the City for rental units of a similar dwelling/structure type and bedroom type; or,

ii) a) the rental vacancy rate by dwelling/structure type for the City has been at or above 2.0% for the preceding twenty-four (24) months; and,

b) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City; and,

c) if the existing market rent levels for the units proposed to be converted are below the average market rent levels for the City for rental units of a similar dwelling/structure type and bedroom type, the rental vacancy rate by dwelling/structure type for the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months; or,

iii) Notwithstanding i) and ii) and only in response to special circumstances, Council is satisfied the removal of the rental housing units will not adversely affect the supply of rental housing in the City.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for rental vacancy rates, rent charges, dwelling/structure types will be determined by the rental market surveys conducted by the Canada Mortgage and Housing Corporation (CMHC). Other available statistical data on rental market trends may be used to supplement the CMHC statistics; and,

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

a) Central Hamilton
b) East Hamilton
c) West Hamilton
d) Hamilton Mountain

This proposed Official Plan policy can be supported on the following basis:

- The preference is to use the city-wide vacancy rate as one criteria for evaluating condominium conversions and demolitions. This will provide more flexibility to allow for conversions or demolitions across the City.

- It should be noted the local housing market zones will only be used if the average market rents of the proposed conversion are **below** the average market rents for the City as a whole. The three local market housing zones used by CMHC in the Lower City between Hwy. #403 in the west to the Red Hill Creek in the east have been combined to create one "Central Hamilton" local housing market zone.

- The concern was raised that there may be situations with extenuating and/or unique circumstances where the conversion to condominium or demolition of an apartment or townhouse complex is in the public interest, irrespective of the specific rental market tests. As such, it was noted that the proposed Official Plan policy should contain some discretion for the review of proposals that may not fit into the conventional situation. In this regard, a discretionary clause has been added so that if Council is satisfied the removal of these units does not affect the supply of rental housing, then the condominium conversion or demolition could be approved without the necessity of an Official Plan amendment.

- Canada Mortgage and Housing Corporation (CMHC) will be the primary data source from which to identify vacancy rates and average monthly rental values. However, there are other data sources such as the Hamilton & District Apartment Association rental market surveys that may also be considered in the evaluation of a particular application.

- Structural audits have not been included as a requirement in the evaluation of proposed conversions to condominium due to the concerns raised by both the Building and Law Departments.

CONCLUSION:

Based on the foregoing discussion, it is appropriate to include policies in the Hamilton Official Plan addressing the issue of condominium conversion and demolition.

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APPENDIX "A"

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 May 7
(RHPA-GEN)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: **Proposed Official Plan Amendment - Protection of the Rental Housing Stock**

SECOND REPORT

RECOMMENDATION:

That approval be given to the proposed Official Plan Amendment to establish policies and to introduce a new Schedule for the protection of the rental housing stock, on the following basis:

i) That a new Schedule "K" - Local Market Housing Zones be added to the Official Plan;

ii) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;

iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

a) Downtown/Central Hamilton
b) Central East Hamilton
c) East Hamilton
d) West Hamilton
e) Hamilton Mountain"

iii) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, for submission to the Regional Municipality of Hamilton-Wentworth for approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under the provisions of the Planning Act, a municipality can introduce policies, through an Official Plan Amendment dealing with such matters relating to housing.

BACKGROUND:

- Planning and Development Committee Meeting

At its meeting of April 22, 1998, the Committee tabled the application for a one month period and directed that another public meeting would be held in the evening. The reason for the tabling is that members of public wanted more time to comment on the proposal and that other people could not attend a day session of the Planning and Development Committee.

- Rental Housing Protection Act (RHPA)

In 1986, the Province introduced the Rental Housing Protection Act. The intent of this legislation was to protect the stock of rental housing in municipalities with a population 50,000 or more. Any building which was to be converted to condominium and any building with more than 4 rental units which was to be demolished, severed, renovated, converted had to receive approval from the respective municipal Council. The Act specified the criteria under which conversion, demolition, etc. could occur. The specific criteria were as follows:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

The Province in previous correspondence to staff noted that "if Council decides to approve the application, Council may wish to use the provisions of Section 11(7) and 24 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

Examples of suitable conditions that have been used in Hamilton and other municipalities included:

- *provision of a first right of refusal to all tenants interested in purchasing their unit.*
- *pricing of units for sale to tenants at the levels set out in the application.*
- *provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.*
- *conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."*

- The Repeal of the Rental Housing Protection Act

  In 1997, the Province introduced "An Act to Consolidate and Revise the Law with respect to Residential Tenancies (Tenant Protection Act)". Our understanding is that this legislation will come into effect sometime in May, 1998. The Act repeals the RHPA and contains provisions aimed at protecting tenants in buildings that are converted from rental tenure to condominium tenure.

  Accordingly, the municipality no longer has the ability to protect the stock of rental housing and the tenants through the RHPA.

- Application Process for Condominium Conversions Under the Condominium Act

  At the present time (up until the new legislation comes into effect), condominium conversion for rental residential buildings are subject to two distinct approvals:

  1) Approval by the City of Hamilton Council was required under the Rental Housing Protection Act. It is at this stage where the analysis of the impact on the supply of affordable rental units was undertaken; and,

  2) Once that approval was given, the owner could apply for the condominium under the Condominium Act. One of the conditions the City established for condominium conversions was the owner to receive a "Certificate of Approval" from the City Clerk under the RHPA. The approval authority for a Plan of Condominium within the context of the RHPA is the City of Hamilton. The approval authority for a new Plan of Condominium is the Region of Hamilton-Wentworth.

  Newer buildings that have no rental units are required to receive approval under the Condominium Act only.

  Once the new legislation is in place, the owners of rental buildings will be required to receive approval under the Condominium Act only. The Condominium Act references the regulations in the Planning Act. As part of the approval of a condominium, it has to comply with the policies in the Official Plan, zoning by-law, etc. Therefore, the impact on the supply of affordable rental housing will be done through one process - Condominium Conversion application.

WHAT OPTIONS ARE AVAILABLE TO THE MUNICIPALITY?

There are two options available to the municipality once the Rental Housing Protection Act is repealed.

- Option 1

Under this option, an Official Plan Amendment would be prepared which would incorporate criteria to deal with the impacts of conversions and demolitions on the supply of rental housing. The advantages and disadvantages are listed below:

Advantages

1) It affords the municipality some protection of the rental housing stock;

2) It provides the municipality with objective and defensible criteria to determine what impact the removal of rental units would have on both city wide and localized rental housing stock; and,

3) It informs Council on the implications of condominium conversions on the rental housing marketplace.

Disadvantages

1) The Official Plan is intended to provide clear direction and therefore, it is not a discretionary document. If the criteria are not met, then an Official Plan Amendment will be required.

- Option 2

Under this option, the municipality would not address the impact of condominium conversions and demolitions on the supply of rental housing. The conversions would be regulated through the Condominium Act only.

Advantages

1) In the case of condominium conversion, the application is undertaken in a simplified form with no planning analysis; and,

2) In the case of demolitions, the owner could apply for a demolition permit without the need for planning and rental housing market input.

Disadvantages

1) There would be no mechanism to deal with the impacts on rental housing particularly when the vacancy rate falls below 2.0% and rental housing is in shorter supply; and,

2) If the City decided to entertain an Official Plan Amendment at a later date when the rental housing stock has dwindled, it may be too late to have a balanced, competitive and healthy rental marketplace.

The preferred option is the preparation of an Official Plan Amendment.

SURVEY OF OTHER MUNICIPALITIES IN ONTARIO:

The City of Toronto conducted a survey of other municipalities within the Province to determine if they use the Official Plan and other municipal by-laws to protect the rental housing stock. APPENDIX "A" identifies the mechanisms used by 27 municipalities governing rental to condominium conversions.

In summary,

- 5 of 27 municipalities do not have policies at the present time;
- Of the 22 municipalities that have policies dealing with this issue, the following types of policies are identified:

  - 15 municipalities have specific policies in the Official Plan that require a rental vacancy rate of between 2.5% and 3.0%;
  - 2 municipalities require an analysis of the impact on the supply of affordable housing, but no specific vacancy rate is given;
  - 1 municipality requires a vacancy rate of 5.0% through their procedure manual for land use planning; and,
  - 1 municipality deals with the percentage of affordable rental housing in the community.

- 2 municipalities, through Official Plan policies require public meetings be held for conversion to condominiums and 1 municipality requires a public meeting as part of their procedure manual for land use planning;
- 3 municipalities have Official Plan policies to protect tenants and 1 municipality protects tenants through their procedure manual for land use planning;
- 1 municipality has a policy in their procedure manual for land use planning to take into account the availability of similar rental accommodation.

Overall, the majority of municipalities have policies that deal with conversion to condominium, particularly as it relates to the impact on the rental market vacancy rates. Although many municipalities use 3.0% as the target vacancy rate, these municipalities have historically had low rental vacancy rates. Staff believe a vacancy rate of between 2.0% and 3.0% is indicative of a healthy and competitive rental housing market. In this regard, a 2.0% vacancy rate is satisfactory benchmark for the City of Hamilton.

ANALYSIS OF RHPA APPLICATIONS IN THE CITY OF HAMILTON:

Since the introduction of the RHPA in 1986, the City has processed 39 applications (total 1,915 units). APPENDIX "B" identifies the number of applications and number of units subject to the RHPA by application type (i.e., demolition, condo conversion, etc.). Two-thirds of the applications were for condominium conversions.

The preceding section outlined the criteria under which Council could approve these applications. The vast majority of the applications were considered under criteria iii) - *in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.*

In June, 1995, City Council approved the criteria under which RHPA applications were to be evaluated. The impact on the supply of the rental housing was broken down into two groups as follows:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular CMHC Zone should be at least two percent (for all units).
3. The vacancy rate for the type of housing should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions of Approval May be Instituted:

1. The availability of potential alternative accommodation will be reviewed in terms of unit type and price.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Many of these applications, which met the criteria for approval, were subject to conditions established by Council. The conditions generally required the owner to provide the existing tenant with a 3 to 7 year option to purchase or lease their current unit, and the rent and purchase price were established once the tenant chose the option to purchase or lease.

ANALYSIS OF CURRENT PLANNING ACT PROVISIONS:

- Planning Act and Provincial Policy Statement

  Under Section 2(j) of The Planning Act, municipalities shall have regard for the "adequate provision of a full range of housing".

- Objectives/Basis of an Official Plan Amendment (OPA)

  The City can use the Official Plan as a means of protecting the rental housing stock. This objective can be achieved by identifying criteria under which condominium conversions and demolitions can take place. These criteria could include the following:

  1) maintaining a rental vacancy rate of at least 2.0% both in the City of Hamilton market as well as the local market zones. A vacancy rate of between 2.0% and 3.0% is considered by Canada Mortgage and Housing Corporation and City staff as indicative of a healthy, competitive rental marketplace;

  2) identifying the impact (i.e., changes to the vacancy rate, reduction in rental housing stock, etc.) of the removal of these rental units from the current housing stock; and,

  3) ensuring the rents are at or above the average of rent for the City and the localized market area by unit type (i.e., 1, 2 or 3 bedroom apartments, townhouses, etc.).

  This criteria is derived from the existing policies and procedures the City established through the RHPA legislation. It has been an effective and objective method of identifying the impact on the supply of affordable rental housing.

  It should be noted under the RHPA, severance of rental buildings, conversions to other uses (i.e., apartment hotels, residential care facilities, etc.) and renovations/repairs required approval from the municipality. These applications involved 216 units (11%) out of 1,915 of which approximately 90 units were removed from the rental housing stock. In addition, there was extensive time involved in the processing of these applications. Based on the above, it is felt these types of applications do not warrant policy direction through the Official Plan. On this basis, only condominium conversions and demolitions should be included in an Official Plan Amendment.

Two of the key evaluation criteria in reviewing condominium conversion applications are the rental vacancy rates and level of market rents in the local market area. The vacancy rates are analyzed for the 24 preceeding months so as to avoid potental statsitical discrepacies between one survey and another. CMHC data is broken down into the following zones: West End, Downtown, Central, Central East, East and Mountain. For the purposes of our analysis, it would be more appropriate to combine the Central and Downtown zones into one zone to ensure all zones are of a similar geographic size. (see APPENDIX "C")

OFFICIAL PLAN AMENDMENT:

The proposed OPA is as follows:

Amend Subsection C.7. by adding the following new policies:

C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;

iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

a) Downtown/Central Hamilton
b) Central East Hamilton
c) East Hamilton
d) West Hamilton
e) Hamilton Mountain"

WHAT WILL THE IMPACT BE FOR OWNERS WISHING TO CONVERT TO CONDOMINIUM?

APPENDIX "D" outlines the vacancy rate by dwelling type for both the City and the local market zone. Based on a two year vacancy rate, condominium conversions for apartments will not meet the criteria of the Official Plan Amendment of a 2.0% vacancy rate for Hamilton Mountain, and West Hamilton. However, it should be noted that an owner can apply to the City for an OPA and staff will evaluate each amendment on its own merits. There have been cases (under the RHPA) where the vacancy rate was less than 2.0% but staff recommended approval of the application. The circumstances surrounding the conversion of the building to condominium warranted approval of the application. Furthermore, if the City turns down the OPA, the owner has a remedy to appeal it to the Ontario Municipal Board.

There may be other situations where the rents are considerably lower than the average market rents and for this reason, conversion to condominium or demolition is not appropriate.

Overall, in the event an Official Plan Amendment is required, the conversion to condominium will be a simpler process then the process under the Rental Housing Protection Act. The City does not have to circulate the option sheets of purchase/lease to the tenants, the owner no longer has to enter into agreements with the tenants for purchase or lease of the unit, to register the agreement on the title of the land. In addition, it is expected the City will receive delegated approval of Official Plan Amendments by the end of 1998 making the time frame for processing OPAs quicker.

PUBLIC INPUT:

The Planning and Development Department contacted two groups that have a special interest in housing: Social Housing and Access Committee (i.e., comprised of representatives of Housing Help Centre, Social Planning and Research Council, Labourhood, HACTA, etc.) and Hamilton and District Apartment Association.

The Social Housing and Access Committee has advised that:

> "Thank-you for the opportunity to respond to your "Protection of Rental Housing Stock" document. The Social Housing and Access Committee (SHAC) is a coalition of housing providers, housing services, tenants, and interested citizens concerned with the provision of, and access to, housing and social housing in Hamilton-Wentworth. As you may know, SHAC is concerned that the repealing of the Rental Housing Protection Act by the provincial government will result in conversions of rental stock to condominiums, thus decreasing the availability of affordable housing stock for tenants.
>
> We support the Planning Department's recommendation that an Official Plan Amendment be prepared which will incorporate criteria for the decision-making process on the impacts of conversions and demolitions of the supply of rental housing. We feel that this would give the municipality the tools to effectively protect rental housing in areas where it is most needed.
>
> We would further recommend that the municipality set a vacancy rate of 3.0% to ensure adequate choice in supply of affordable rental housing, in their criteria for conversion or demolition. Of particular concern to us is the amount of affordable rental housing for tenants with low incomes who would be adversely affected if their units were converted to condominiums they could not afford to purchase. Therefore, we would also recommend that the 3% vacancy rate apply to levels of rent as well as to geographic areas.
>
> We believe it is the responsibility of the municipality to ensure that the region meets the housing needs of all its citizens. One of the ways this can be accomplished is through careful consideration of any requests for condominium conversions or demolition of existing housing stock.
>
> Thank-you for allowing us to comment on your thoughtful proposal."

The Hamilton and District Apartment Association has advised that:

> "For several years our association along with 12 other regional associations including our Ontario Association has been trying to convince the Provincial Governments to repeal or remove the Rental Housing Protection Act and as you know with the introduction of Bill 96 the Tenant Protection Act (TPA) this has been done, along with the repeal of additional acts including the Rent Regulations Act, the Landlord and Tenant Act, the Residential Rent Regulations Act and several other Acts that pertain to our industry.
>
> There are as we see it many advantages to our industry with the repeal of the RHPA as well as to the municipality they being, landlords who wish to convert their rental units to condominiums must work within the Condominium Act and through this Act the municipality will still have some protection of the housing stock via the Official Plan. It would also make it easier for landlords or owners of buildings to demolish or convert with much less red tape, etc. The municipality elected officials will also be informed of any such conversions through any official plan amendments.

Regarding vacancy rates in the City of Hamilton, CHMC indicates that a vacancy rate of 2% and 3% is a competitive rental market place, I would suggest that this is not quite correct, we find in our industry a 2% to 3% market place is still a very tight market place that favours landlords, the market place does not really get competitive until you reach at least a 4% average vacancy using all the areas of the city.

It is however important to note that CHMC do not survey duplexes and when you consider this item into your vacancy rate the percentage figure does increase at least 1/2%, at present we have in Hamilton a vacancy rate average of 4 1/2% as you can note by the ads in the Hamilton Spectator on any weekend there is available in excess of 600 units on the market and in some cases landlords are now giving 1st months rent free to find tenants. I can not foresee a vacancy rate dropping below 4 1/2% at any time in the future.

In Hamilton at the present time the majority of landlords do not attain the legal maximum rent and have not been able to attain the legal maximum rent for the past several years and at present we see no change in this situation due to the high vacancy rate. With a high vacancy rate you will not see any major rental units of a high rise nature being built but as in the past duplexes will continue to increase as we now have in excess of 7000 duplex units in the city.

I might also point out that tenants that are presently in rental units do have protection under the TPA as the Act will not allow landlords to evict for sale of building or conversion to condominium without proper compensation to the tenant. This will protect the present rental stock for sitting tenants.

In closing I would suggest that the City of Hamilton incorporate into their Official Plan some sort of criteria to work in conjunction with the TPA which will allow the City some input into the control of conversions so long as it does not conflict with the Tenant Protection Act."

Based on the comments received from the two housing groups, the proposed Official Plan policies indicated broad concurrence with the direction and scope of the proposed Official Plan Amendment. As stated previously, increasing the vacancy rate to 3.0% from 2.0% will not have much of an immediate effect since the existing vacancy rates throughout the City, with the exception of the west end and the mountain are above 3.0%

In addition, staff contacted the representative of the Hamilton and Halton Home Builders to set up a meeting to discuss the OPA prior to the next public meeting. To date, no meeting date has been set.

ANALYSIS OF AN ACT TO CONSOLIDATE AND REVISE THE LAW WITH RESPECT TO RESIDENTIAL TENANCIES (TENANT PROTECTION ACT):

As noted previously, the new Provincial legislation provides tenants with some protection in the event rental units are converted to condominium units and units are intended to be repaired/ renovated or demolished. Sections 53 and 54 of the Act allows for security of tenure since the Act states a tenant cannot be evicted from the unit for the sole purpose of selling the units as a condominium. Sections 55 to 59 require landlords of apartment buildings with five or more units

to compensate tenants an amount equal to 3 months rent or provide another acceptable unit in cases where the building is demolished, converted to a non-residential use, severed or requires repairs or renovations.

SUMMARY:

With the repeal of the Rental Housing Protection Act, the municipality no longer has any basis for determining how condominium conversions or demolitions of the rental housing stock will have on the supply of affordable rental housing.

In this regard, it would be appropriate to develop criteria under which the municipality can determine what impacts may result from the loss of rental units. The only planning tool for this analysis is policies in the Official Plan.

An Official Plan policy would work in conjunction with the legislation of the new Tenant Protection Act. The Official Plan policies will provide some level of protection to the hosuing stock should the vacancy rate in housing market be less than 2.0%. The Provincial legislation provides protection for the tenants.

CONCLUSION:

Based on the foregoing, it is recommended that approval be given to an Official Plan Amendment to incorporate criteria related to the conversion of rental housing units to condominiums or the demolition of rental housing units.

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LOCAL MUNICIPAL POLICIES GOVERNING RENTAL-TO-CONDOMINIUM CONVERSIONS

Municipality	*Where is the policy?*	*The policy*
Town of Ajax	Official Plan	• Required municipal approval
City of Barrie	Policy and Procedures Manual Land Use Planning 02/18/94	• 5% vacancy rate required • 2 public meetings required, with full notification
City of Brampton	City's Corporate Policy Manual Planning and Development Policies Date of Policy: 04/27/87	• Vacancy rate of 3% or greater required • Council shall take into account overall mix of housing types in the City • Council shall take into account the impact of the conversion on the availability of similar rental accommodation • Council shall take into account the impact of conversion on tenants and the potential for displacement
City of Brantford	None	• Intending to rely on PA, but also develop own policies
City of Cambridge	Official Plan, 1998 Section 9.1.6	• The assessment of the potential effects of conversion including: • Vacancy rate of 3% to indicate an adequate supply of rental housing • Assessment of the no. of new rental units becoming or having become available in the past 12 months • Following conditions must be met: • A public meeting has been held, to which both the owner and all tenants were invited • Tenants have the option to continue leasing their unit for a minimum of one year following conversion
City of Etobicoke	Official Plan Section 2.2.13	• Council will not permit conversion unless the overall vacancy rate exceeds 2%
City of Gloucester	Official Plan Section 6.5.3	• Conversion will be approved only when the vacancy rate exceeds 3% for two successive surveys
City of Guelph	Official Plan Section 3.4.9 - 3.4.10	• Municipality will discourage the conversion of existing rental units when the vacancy rate for rental accommodation is below 3% • Municipality will prohibit conversion when the vacancy rate is below 1.5% • Council will have regard for the impact of the conversion on the rental housing market
City of Hamilton	No policy currently, however there was a policy at the regional level of government	• 2% vacancy rate was previously required by the Regional Municipality of Hamilton-Wentworth

LOCAL MUNICIPAL POLICIES GOVERNING RENTAL-TO-CONDOMINIUM CONVERSIONS (continued)

Municipality	*Where is the policy?*	*The policy*
City of Kingston	Official Plan	• Conversion will be considered to have an adverse affect on the supply of affordable rental housing when the vacancy rate is below 2%
City of Mississauga	Official Plan	• Council will evaluate application for conversion with respect to their impact on the supply of affordable rental housing
City of Nepean	Official Plan	• Vacancy rate must exceed 3%
City of Niagara Falls	Official Plan	• Discourage conversion when vacancy rate below 3%
City of North York	Official Plan Section 2.6.2	• Council will not permit conversion unless the vacancy rate exceeds 2.5%
Town of Oakville	Official Plan Section 3.10	• Conversion will be discouraged when the number of rental units falls below the following targets: • Between 1991 and 1996, 21% rental • Between 1996 and 2001, 25% rental
City of Ottawa	Official Plan	• Conversion not permitted if the rental vacancy rate is below 3% • Application will not be approved if, within a 2 km radius of the proposed conversion, more than 20% of the rental stock will be removed
City of Peterborough	Official Plan Section 4.2.5.4	• Satisfactory incentives must be provided to established tenants allowing them to purchase or remain in unit after conversion
Town of Pickering	Never had such a policy	• Relies on regional policy
City of Sarnia	Official Plan Section 4.9.4	• Consideration will be given to the overall mix of residential housing types • Current vacancy rate for rental accommodation will be regarded
City of Sault Ste. Marie	Never had such a policy	• No new policy will be enacted; will rely on PA
City of Scarborough	Currently no policy; 1975 policy superceded by RHPA	• Previous policy (1975), did not allow for any rental-to-condominium conversions
City of St. Catharines	Official Plan Section 3.1 and 3.2	• No support for conversion unless does not adversely affect the supply of affordable rental housing (municipality will consider current vacancy rates for affordable rental housing to determine adverse effect) • City will have regard to the Provincial target for providing the opportunity for at least 25% of all new housing units being affordable

LOCAL MUNICIPAL POLICIES GOVERNING RENTAL-TO-CONDOMINIUM CONVERSIONS (continued)

Municipality	*Where is the policy?*	*The policy*
City of Stoney Creek	Official Plan Section A.1.2.24	• Vacancy rate of 2% required • No conversion allowed which will lower the vacancy rate below 2%
City of Sudbury	None	• No intent to enact new policy, will rely on PA
City of Toronto	Official Plan Section 6.18	• Conversion will be considered against the public interest if the vacancy rate is below 2.5%
City of Vaughan	Never had such a policy	• Very few apartment buildings in Vaughan, no policy needed
Town of Whitby	Official Plan Section 7.6.5	• Applications for conversion will only be considered when the residential vacancy rate for Whitby and the whole of Durham region is greater than 3% over two successive rental surveys
City of Windsor	Official Plan Section 8.4	• All existing tenants must be notified of application • All existing tenants must be notified of the mandatory public meeting • The applicant must demonstrate that all existing residents can be accommodated in the new development or relocated to other acceptable rental units

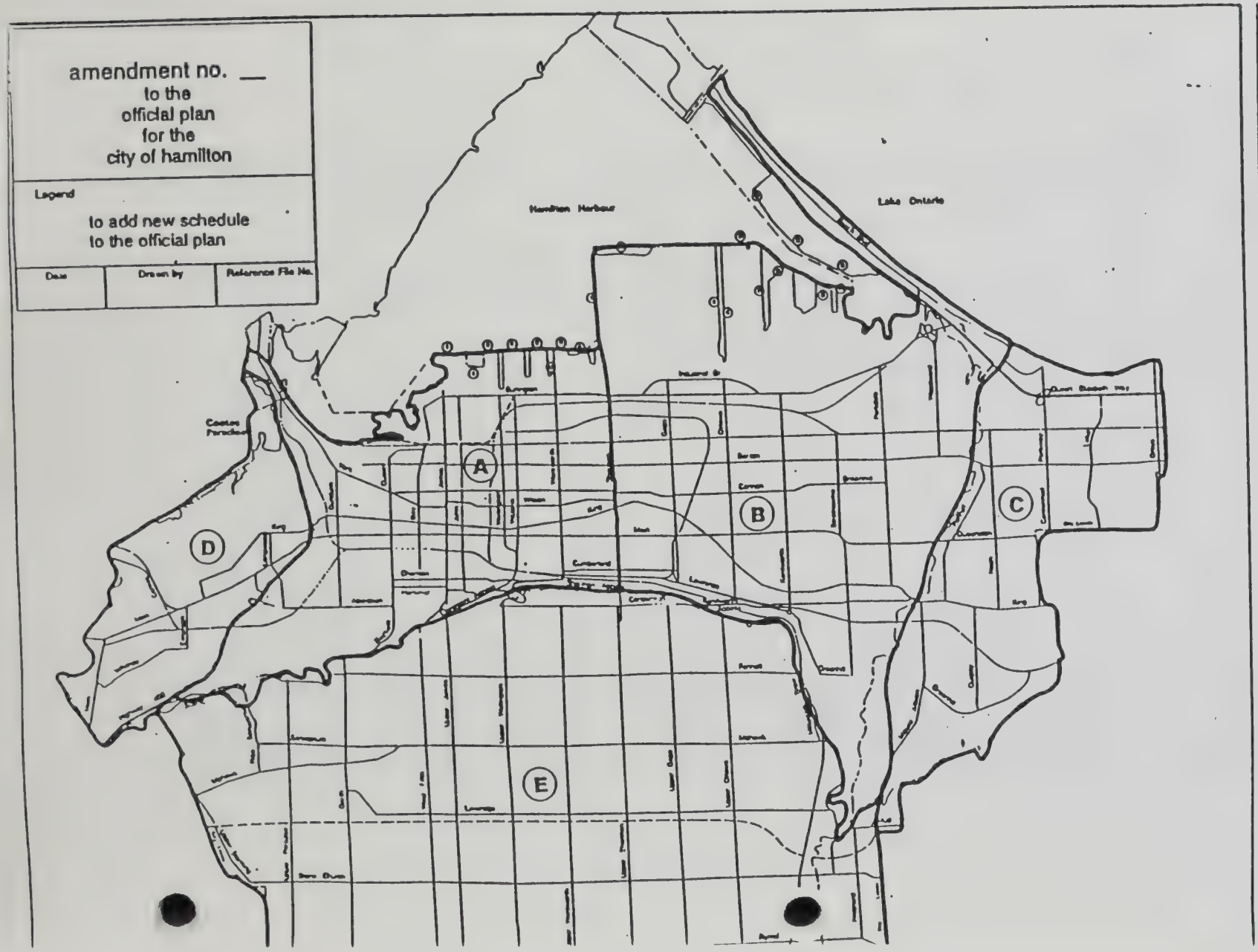
APPENDIX "I

APPLICATION AND UNITS PROCESSED TO DATE UNDER THE RENTAL HOUSING PROTECTION ACT

As of February 28, 1998

Nature of Application	City Council Decision					
	Approval	Denial	Pending Council Decision	Possible Withdrawal	Total	% of Total
Severance						
- *Units*	28				28	1%
- *Applications*	(3)				(3)	(8%
Renovation						
- *Units*	127	6			133	7%
- *Applications*	(3)	(1)			(4)	(10%
Demolition						
- *Units*	67				67	3%
- *Applications*	(4)				(4)	(10%
Condominium Conversion						
- *Units*	504	109	635	423	1671	87%
- *Applications*	(18)	(3)	(1)	(4)	(26)	(67%
Conversion to Other Use						
- *Units*	5	11			16	1%
- *Applications*	(1)	(1)			(2)	(5%
Total						
- *Units*	731	126	635	423	1915	100%
- *Applications*	(29)	(5)	(1)	(4)	(39)	(100%)
Percentage of Total	(38%)	(7%)	(33%)	(22%)	(100%)	
Total (Excluding Possible Withdrawals)	731 (29)	126 (5)	635 (1)		1492 (35)	
Percent (Excluding Possible Withdrawals)	(49%)	(8%)	(43%)		(100%)	

APPENDIX "C"



Local Housing Market Zones

- (A) Downtown / Central Hamilton
- (B) Central East Hamilton
- (C) East Hamilton
- (D) West Hamilton
- (E) Hamilton Mountain

schedule K

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the city [illegible]ilton

VACANCY RATE BY DWELLING TYPE AND ZONE

ZONE	LOCATION	Apartments (6 units and over)			Row/Townhouse Units		
		1995	1996	1997	1995	1996	1997
1	Hamilton (Downtown Core)	1.8	1.4	3.8	N/A	N/A	N/A
2	Hamilton (Central East)	3.5	6.9	5.8	N/A	N/A	N/A
3	Hamilton (East End)	3.1	2.9	4.3	12.4	18.8	20.2
4	Hamilton (Central)	5.6	5.2	6.1	N/A	N/A	N/A
5	Hamilton (West End)	0.8	1.0	0.7	N/A	N/A	N/A
6	Hamilton (Mountain)	1.0	1.3	1.7	2.0	2.8	3.3
1/4	Hamilton (Downtown Core / Central)	2.6	2.1	4.3	N/A	N/A	N/A
1 to 6	Hamilton City	2.2	2.4	3.5	0.8	8.0	8.7

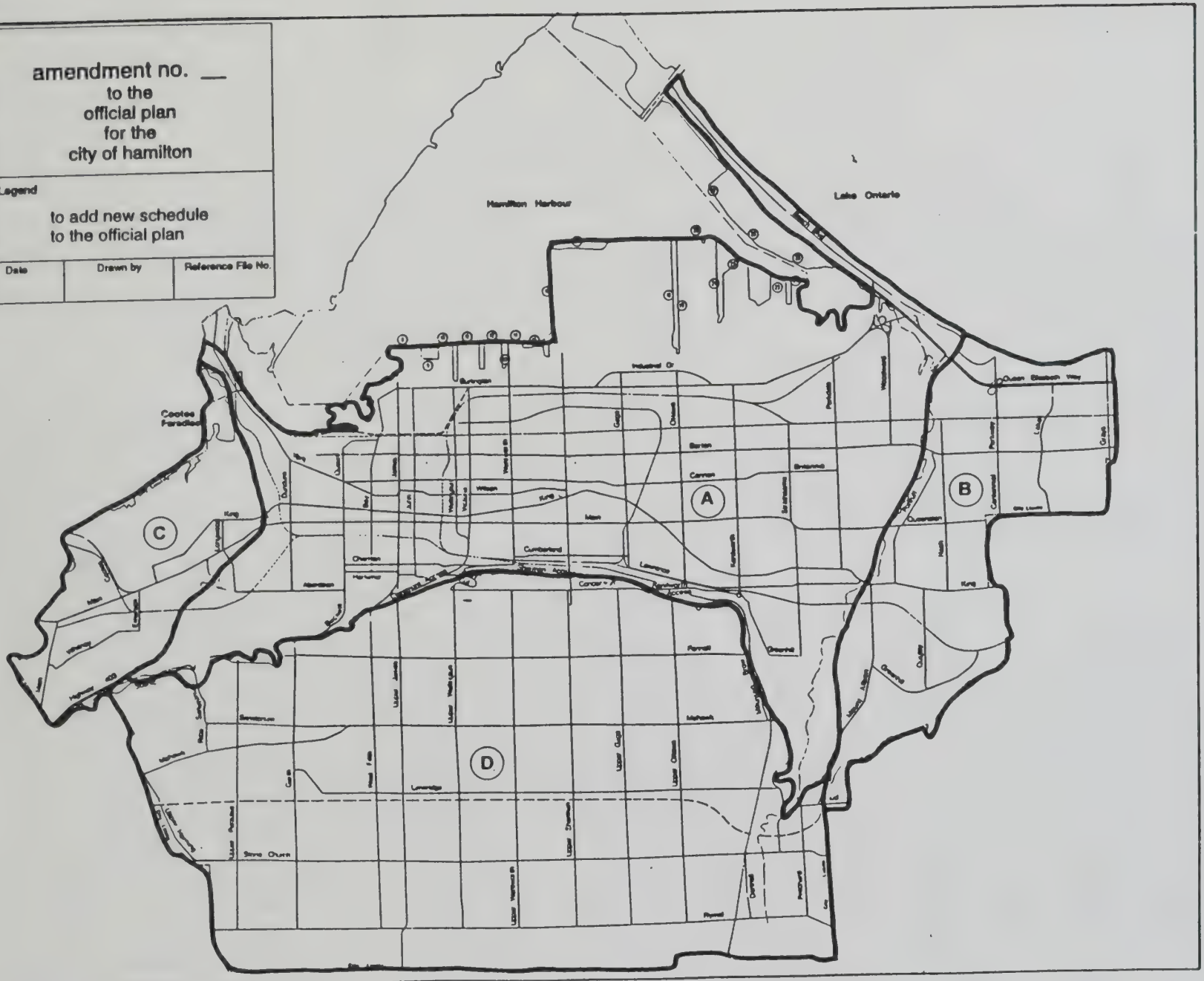
Source: Canada Mortgage and Housing Corporation, Rental Market Survey Reports

amendment no. ___
to the
official plan
for the
city of hamilton

Legend

to add new schedule
to the official plan

Date	Drawn by	Reference File No.



Local Housing Market Zones

- (A) CENTRAL HAMILTON
- (B) EAST HAMILTON
- (C) WEST HAMILTON
- (D) HAMILTON MOUNTAIN

schedule K

to the official plan
for
the city of hamilton

98 06 08

APPENDIX "B"

Social Planning & Research Council
SPRC
of Hamilton-Wentworth

MAY 14 1998

8a)

May 12, 1998

Mr. Frank D'Amico, Chairman
Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, ON
L8P 4Y5

Dear Mr. D'Amico

The Social Planning and Research Council would like to commend you for holding a special evening public meeting on the issue of an Official Plan Amendment for demolition or conversion of rental housing stock. This meeting will allow people, who otherwise might not have been able to participate, to be involved in the discussion of this issue. As you may know, the Social Planning and Research Council believes that good citizen participation results in good community planning.

We urge the Planning and Development Committee to vote in favour of an Official Plan Amendment to protect rental housing stock in the City of Hamilton from demolition or conversion. The criteria included in the Official Plan Amendment provides Council with the tools it needs to plan for the future of rental housing in the city. Without this plan, Council will not be able to control the number of conversions or demolitions, which has the potential to undermine the availability of rental housing units for the most vulnerable of tenants. Good planning on the part of the Committee and Council ensures a vibrant and healthy community that meets the housing needs of all citizens.

Thank-you for taking the time to consider this letter and the input of the community.

Sincerely,

Don Jaffray
Executive Director

255 West Avenue North, Hamilton, Ontario L8L 5C8 • tel: (905) 522-1148 • fax. (905) 522-9124 • t.d.d. (905) 522-0434

A United Way Agency

Social Planning & Research Council
SPRC
of Hamilton-Wentworth

Fax Transmission Sheet

date May 14/98

recipient Alderman D'Amico

organization Planning & Development Committee

fax number 546-2535

sender Don Jaffray

message

We are transmitting 2 page(s) including this cover page. If you do not receive all the pages, please advise us as soon as possible.

Social Planning & Research Council of Hamilton-Wentworth
telephone (905) 522-1148, ext. 310 • fax (905) 522-9124

255 West Avenue North, Hamilton, Ontario L8L 5C8

A United Way Member Agency

86)

Yolisa Nongauza
#3 60 Emerald Street South
Hamilton, Ontario
L8N 2V3

May 14, 1998

Mr. Frank D' Amico, Chairman
Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mr. D' Amico,

I am writing to address the issue of the impact of conversions of rental housing stock in Hamilton. I would urge you to consider the Official Plan Amendment proposal. This issue has a vital impact on the poorest of our community. It is important that those who have low economic resourses have decent affordable housing. It is my opinion that those who foresee the development of this city insure the protection of those who are vunerable.

I would like to thank you for the opportunity to voice my concerns.

Sincerely,
Yolisa Nongauza
Yolisa Nongauza

9.

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 8 1998

DATE: 1998 June 18
(P5-2-125)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Stinson Neighbourhood Plan Update - 1998

RECOMMENDATIONS:

a) That the Stinson Neighbourhood Plan Update - 1998, attached as Appendix "A", be adopted; and,

b) That the Stinson Implementation Schedule, attached as Appendix "B", be adopted as the means for carrying out the Stinson Neighbourhood Plan, and that it be forwarded to the appropriate Departments for action.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Costs associated with the various projects in the Stinson Implementation Schedule in Appendix "B" will be addressed on a project-by-project basis. These will be evaluated and included in the capital or current budget processes, as appropriate.

BACKGROUND:

The original Stinson Neighbourhood Plan was prepared and approved in 1975. This plan was a brief document which provided a basic outline to guide future development in the area. It

addressed several policy directions which were desirable at that time, including reducing residential densities eliminating industrial areas, increasing open space, improving traffic safety and maintaining good building conditions.

This original 1975 Stinson Neighbourhood Plan is being updated at this time, due to the high priority presently being given to planning for the downtown area and surrounding neighbourhoods. The Stinson area is currently facing a number of issues, many of which are related to planning policies. These include retention of residential character, high density of residential care facilities incompatible building heights, and the need for additional open space and links.

The preparation of the Stinson plan began in 1996, with the collection of background information related to planning for the area. The plan review was undertaken by the Planning and Development Department in conjunction with the Stinson Neighbourhood Plan Advisory Committee. This group consists of over a dozen Stinson residents and other interested citizens, listed below, who gave generously of their time to prepare the plan:

Lauch Harrison, Chairperson
Jordan Abraham
Lisa Browett
Lois Brown (Beasley)
Joanne Cairns
Helen Cozzarin
Lou Cozzarin
Cheryl Harvey
Brenda Mitchell
Mina Morski
Helaine Ortmann
Mary Schneider (Gibson)
Dave Staples
Stella Woock (Landsdale)

The Stinson Advisory Committee met on a regular basis for about a year from October 1996 to June 1997, and held additional meetings later, for a total of over twenty meetings. The two Ward Aldermen served as ex-officio members of the Committee. Staff of various municipal departments were in attendance to provide information and answer questions regarding planning-related matters. These included heritage, urban design, residential care facilities, traffic, transit, trail systems and many others. Based on this information, the Committee developed a list of specific issues and concerns, and suggested means of addressing them. Members also provided individual submissions on how they would like to see Stinson develop in the future.

A draft neighbourhood plan, including issues, suggested actions and policies, was prepared by staff in October 1997 based on input provided by the Advisory Committee. This plan was revised based on their comments, as well as comments received from various departments and

agencies involved in the plan review.

A public meeting was held on May 21, 1998 at Stinson Street School in the neighbourhood, to present the draft plan to the general public and obtain input. All residents and property owners in Stinson were invited to this meeting, and there were over 50 people in attendance. Comments at the meeting were generally favourable. Some of the main points raised were as follows:

- visible improvements in the near future are desirable as a result of the plan.
- traffic safety is an issue, especially around Wellington and Stinson Streets. There was much discussion about measures available to reduce and slow through traffic.
- the commercial area along Main St. should be more pedestrian-friendly.
- the nearby rail trail has some areas where illegal dumping has occurred.
- residents wish to discourage people from using local streets to reach the rail trail.
- heritage buildings are of interest; some wish to research the history of their buildings.

At the meeting, it was agreed that staff would undertake an immediate review of traffic patterns and potential traffic calming measures near Wellington. There was one written submission received following the public meeting, which commended staff on the plan, and expressed the hope that the plan would be carried out as soon as possible.

The draft plan was revised based on all of the comments and submissions received from the Advisory Committee, the general public and staff, to produce this final version of the neighbourhood plan.

SUMMARY OF STINSON NEIGHBOURHOOD PLAN:

The following is a summary of the major policies and recommendations contained in the Stinson Neighbourhood Plan Update - 1998:

- Heritage - Promote Stinson's heritage character using heritage district plans; posters.
- Building Heights - Restrict new buildings to 8 storeys along Main; 3 storeys to south.
- Residential Care Facilities - Restrict and reduce the concentration and impacts of these.
- Roads - Undertake traffic calming study to identify improvements, esp. on Stinson Street.
- Design - Improvements to specific locations, eg. buildings, streets at Escarpment, murals.
- Parks - Add new small parks and better links to existing parks, eg. new park in Corktown.
- Escarpment - Improve trail system and landscaping along Escarpment face.
- Community Facilities - Ensure generous community use of schools, churches, rec. centre.
- Taxes - Direct a portion of property taxes to improvements in Stinson.
- Public Participation - Improve notification of residents concerning applications, proposals.
- Secondary Plan - Prepare a detailed plan including all public works and improvements.
- Implementation - Establish a mechanism for carrying out the neighbourhood plan actions.

The approach for carrying out the policies and recommendations in the plan is contained in the Stinson Implementation Schedule. This table, a copy of which is attached as Appendix"B",

identifies various projects, the departments responsible for action, and the associated time frame and priorities.

The Plan recommendations identified as having the highest priority for implementation are:

- Residential Care Facilities - Carry out a rezoning study to restrict future facilities where possible in Stinson; also review definitions and other approaches.
- Parks and Playgrounds - Develop new park in adjacent Corktown neighbourhood, to be shared with Stinson and other areas; also consider new small parkettes.
- Heritage - Promote the heritage character of Stinson, by preparation of heritage conservation plans; also creation of posters and provision of information to owners.
- Public Participation - Identify means for improving notification of Stinson residents regarding applications for redevelopment, such as Committee of Adjustment applications.
- Implementation - Set in motion the process for carrying out the recommendations in the Plan, by means of an advisory committee and communication with other departments.

COMMENTS:

The Stinson Neighbourhood Plan Update - 1998 provides a framework for new development and community improvements within the Stinson neighbourhood over the next 20 to 25 years. The Plan has been based on a comprehensive review of all issues related to planning in the area, as well as the previous policies for Stinson from the 1970's. This plan addresses diverse issues within the neighbourhood which are of critical importance to the day-to-day quality of life, including traffic, residential densities and compatibility, heritage, design, and many others.

A citizen advisory committee has provided a significant contribution of ideas to the plan, based on their extensive knowledge of the area. The members of the Stinson Neighbourhood Plan Advisory Committee have worked hard to analyze the available information about the neighbourhood, in conjunction with their own knowledge of area, and develop a relevant vision and action plan for the area, by means of consensus.

A copy of the Stinson Neighbourhood Plan - Update 1998, which includes the policies, associated mapping and implementation schedule, will be distributed to Committee members under separate cover. The report will also be available to the public upon request from the Planning and Development Department.

CONCLUSION:

Based on the foregoing analysis and rationale, it is recommended that the Stinson Neighbourhood Plan Update - 1998, including the Stinson Implementation Schedule, be adopted.

vg/STINP&D.98

STINSON IMPLEMENTATION SCHEDULE

ACTION	BY	TIME FRAME	PRIORITY
1. Residential Care Facilities a) Rezoning studies to review the definitions of care related to residential care facilities	Planning Department and other departments	Short-term, underway	High
2. Building Heights a) Guidelines to be prepared and included in plan to identify desired maximum heights b) Rezoning to be undertaken to revise maximum permitted heights	Planning Dept. Planning Dept.	Short-term Medium-term	Medium Medium
3. Parks and Playgrounds a) New park to be provided in Corktown Neighbourhood, with links to Carter Park and Central Memorial b) New parks to be considered within Stinson; small sites, several locations, also further recreational facilities in long term	Public Works and Traffic Dept. Public Works and Traffic Dept.	Short-term, underway Long-term	High Medium
4. Open Space a) Escarpment area - Landscaping and trail system proposal to be reviewed and carried out	Public Works and Traffic Dept.; Stinson Association	Medium-term	Medium
5. Community Facilities a) Facilitate additional community use of schools, churches and other facilities	Stinson Community Association with various departments	Medium-term	Low
6. Heritage a) Heritage Districts - Review and preparation of conservation plans for one or more areas b) Heritage Poster(s) - Preparation of one or more posters to promote Stinson character and features	LACAC staff, with citizen committee LACAC staff, Stinson Community Assoc'n	Medium-term Medium-term	High Medium

APPENDIX "B"

STINSON IMPLEMENTATION SCHEDULE (CONTINUED)

ACTION	BY	TIME FRAME	PRIORITY
7. Design			
a) Spot improvements - concepts for several locations to be carried out, including buildings, walls, streetscape	Property owners; Public Works and Traffic Dept. Public Works and Traffic Dept.	Long-term Medium-term	Medium Medium
8. Movement			
a) Traffic calming study to identify possible improvements, to Stinson Street	Public Works and Traffic Dept./Others	Medium-term	Medium
b) Rail trail to be extended through Stinson, with links to neighbourhood	Special Projects Office	Medium-term	Medium
c) Bicycle route on Stinson Street to be retained	Special Projects Office	Medium-term	Medium
9. Public Participation			
a) Notification of Stinson residents regarding applications and proposals to be improved	Stinson Community Association	Short-term	High
b) Co-ordination of community-based planning studies to be undertaken by staff	Planning Dept. and other Depts	Medium-term	Medium
10. Taxation			
a) Review of innovative taxation approaches to provide funding for Stinson improvements in this plan	Planning Dept. Stinson Community Association	Medium	Medium
11. Implementation			
a) Establishment of mechanism for implementing plan	Planning Dept., Stinson Plan Advisory Committee	Short-term	High

11a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Downtown Loan/Grant Programs (98.2.4.2.1.A, 98.2.15)

RECOMMENDATION:

(a) That of the $650,000 approved in the 1998 Capital Budget for downtown rehabilitation loans and grants, $400,000 be allotted to the Core Heritage Program; and,

(b) That of the $650,000 approved in the 1998 Capital Budget for downtown rehabilitation loans and grants, $250,000 be allotted to the Convert/Renovate-to-Rent Loan Program in addition to the $200,000 approved in the 1998 Capital Budget for this program; and,

(i) That the current funding limit of four (4) units per deeded property, under the Convert/Renovate-to-Rent Loan Program, be replaced with a new limit of eight (8) units per deeded property; and,

(ii) That the Convert/Renovate-to-Rent Loan Program be renamed the Convert/Renovate-to-Residential Loan Program; and,

(iii) That the Convert/Renovate-to-Rent Loan Program be made available to developers of condominium conversions of non-residential to residential, provided that the developer provides acceptable collateral security; and,

(iv) That the current per unit maximum funding limit of $12,000 per unit, be increased to a maximum of $20,000 for conversions/renovations in excess of 600 square feet per unit at the rate of $20 per square foot to adequately reflect the cost of upgrading and new construction; and,

.../2

(c) That the loan interest charged to new borrowers under the existing Commercial Property Improvement Loan Program (CPILP) be reduced from half of prime to zero per cent interest, except when the borrower is in default in which case interest shall be charged on arrears at the same rate as that prescribed for property tax arrears; and,

(d) That the loan interest charged to new borrowers under the existing Hamilton Community Heritage Fund Program be reduced from 2% interest to zero per cent interest, except when the borrower is in default in which case interest shall be charged on arrears at the same rate as that prescribed for property tax arrears; and,

(e) That the Hamilton Halton Home Builders' Association be requested to provide, under their downtown project, their inventory and design concepts and analysis of buildings in the International Village B.I.A. and Downtown B.I.A. for building owners to utilize; and,

(f) That the Building Commissioner and the Chief Administrative Officer be given authority to approve downtown loan and grant applications that meet program criteria and that Information Reports on such approvals be provided to the Planning and Development Committee; and,

(g) That the following Community Improvement Plans be amended to incorporate the program changes recommended:

(i) The Concession Street Community Improvement Plan; and,
(ii) The Downtown Hamilton Community Improvement Plan; and,
(iii) The Downtown Hamilton B.I.A. Community Improvement Plan; and,
(iv) The International Village Community Improvement Plan; and,
(v) The Main Street West Community Improvement Plan; and,
(vi) The Ottawa Street Community Improvement Plan; and,
(vii) The Westdale Village Community Improvement Plan; and,
(viii) The Barton General Community Improvement Plan; and
(ix) That Barton Village Community Improvement Plan; and,

(h) That the City Solicitor be directed to prepare the necessary By-laws amending the Community Improvement Plans as per part (g) of the aforementioned recommendation; and,

(i) That the Planning and Development Committee convene a public meeting regarding the amendments to the Community Improvement Plans.

.../3

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

On 1998 May 13, Committee of the Whole approved in the 1998 Capital Budget a total of $850,000 for loans and grants in the Downtown Community Improvement Project Area consisting of $200,000 for the Convert/Renovate-to-Rent Loan Program and $650,000 for distribution between programs applicable in the downtown.

Staff were to report back to the Planning and Development Committee on allocation of the balance of $650,000. The balance is recommended for allocation as follows:

	Current Program Balance	Allocation	Total
Commercial Property Improvement Loan Program (CPILP)	$556,802	$0	$556,802
Convert/Renovate-to-Residential Program (CRRP)	$688,000	$250,000	$938,000
Core Heritage Program	$0	$400,000	$400,000
Gore Heritage Program	$146,027	$0	$146,027
	$1,390,829	$650,000	$2,040,839

BACKGROUND:

At the Committee of the Whole Meeting of 1998 May 13, held to consider the 1998 Capital Budget, a total of $850,000 was approved for downtown loan and grant programs. Staff have reviewed the allocation of this budget between two main programs, as well as changes to programs that could make them more effective.

On 1998 June 4, staff held a workshop that included representation of Building, Planning, Treasury, Public Works, and Law Departments as well as the International Village B.I.A., and the Downtown B.I.A. This workshop resulted in the recommendations contained in this report.

Recommendation (e) is the result of staff attempting to address the needs of applicants who desire to proceed expeditiously with renovations during the summer and fall when the summer schedule of Committee meetings would not enable same to occur.

LCK/MM/dk

c.c. J. Pavelka, CAO
D. Lobo, Traffic and Public Works Department
P. Noé Johnson, Law Department

11bi)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director, Planning and Development Department

L.C. King, P.Eng.
Building Commissioner

SUBJECT: Core Heritage 2000 Program

RECOMMENDATION:

(a) That the City of Hamilton, pursuant to its mandate of Community Improvement and Renewal under the Planning Act, implement the heritage funding program known as the "Core Heritage 2000 Program" (as generally outlined in the attached Appendix "A") to provide matching grants to owners of buildings for facade restoration; improvement of storefront design, including installation of canopies; and improvement to commercial signage for the area defined in the Downtown Hamilton Community Improvement Plan (Queen St. to Cannon St. to Victoria Ave. to Hunter St.);

(b) That, as a pre-condition for eligibility, that a Facade Improvement Study be prepared and adopted by Council for each specific area or streetscape;

(c) That the Facade Improvement Study initiated by the International Village BIA and prepared by Juris E. Berzins, Urban Designer, in March 1992, be adopted in principle and utilized (details to be reviewed at time of application) for King Street East, Mary Street to Wellington Street;

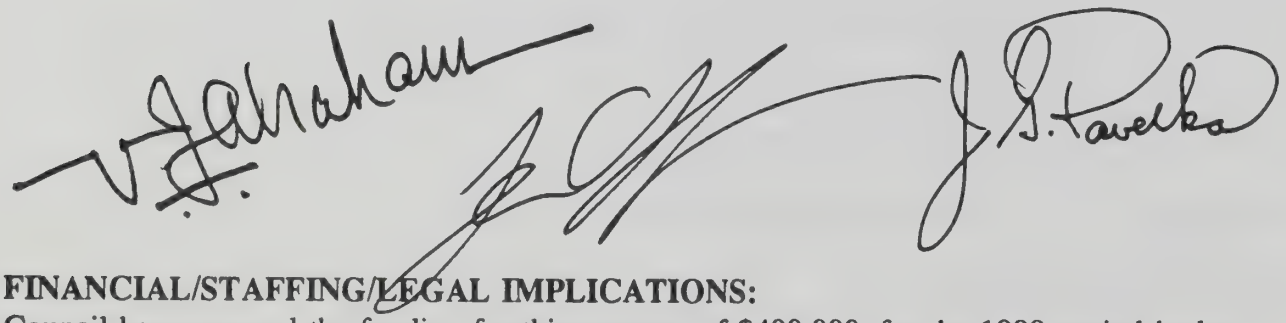
(d) That a Facade Improvement Study be undertaken by the Planning and Development Department for the block on King Street East between Catharine Street and Mary Street;

(e) That the James North Heritage District Plan by Nicholas Hill be adopted as the basis for Facade Designs on James North;

(f) That the Core Heritage 2000 Program be extended to tenants of eligible properties within the Downtown Hamilton Community Improvement Project Area;

(g) That the Gore Heritage 2000 Program criteria, approved by City Council on 1997 April 8, be amended to be consistent with the Core Heritage 2000 Program criteria; and

(h) That Planning and Development Committee convene a public meeting to receive citizen input on the Core Heritage 2000 Program's eligibility criteria and the changes to the Downtown Hamilton Community Improvement Plan.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
Council has approved the funding for this program of $400,000. for the 1998 capital budget.

This matching grant program will be administered by existing staff resources. The Planning and Development Department will provide the technical advice and approval for the matching grants; and the Building Department, Housing and Loans Division, will provide the administration of the Core Heritage 2000 program. A consultant, however, will be retained for design services, which cost will be covered by this Program, similar to the Gore Heritage 2000 Program.

BACKGROUND:

Basis for the Core Heritage 2000 Program

The need to expand the Core Heritage 2000 Program eastward to International Village and other qualifying areas became apparent from the number of requests which came from interested property owners outside the Gore when the Gore 2000 program was announced. International Village, for example, has seen a number of new property owners within the last year, some of whom have expressed interest in up-grading their buildings, once the property tax issue has been resolved in 1998. The International Village B.I.A. has also indicated willingness to help facilitate the program.

The first phase, or the prototype for this program, was the matching-grant program targeting restoration of the Gore heritage buildings, which was opened in 1997. The program is successful. Over a dozen property owners or tenants have already indicated they are considering participating in this program which would use most of the funding available. Furthermore, potential buyers of Gore properties are showing an increasing interest in this program. Because property owners/tenants need to budget ahead for building improvements, it is generally acknowledged that facade programs such as this one need at least one and one-half years in operation to reach their full potential.

The Core Heritage 2000 Program is based on the Council-approved Facade Improvement Studies. The facade study for King St. East, from Mary to Wellington, was completed in 1992 and is available for review at the Planning Department as is also the James North Heritage Conservation District Plan (sample pages attached). A Facade Study is recommended for the block in this report for the block between Catharine and Mary Streets, to be undertaken by the Planning Department, so that a matching grant program will be available to all heritage properties on King St. East between James and Wellington Streets. Additional Facade Design Studies will be approved as the applications proceed.

In addition to the Facade Improvement studies, the following information in the The Gore Heritage Design Study, Part II, will be used as required guidelines:

-the principles and guidelines for the restoration of the heritage facades of the buildings (2.4);
-improvement of storefront designs (2.5);
-improvement of commercial signage (3.4);
-addition of canopies (3.5).

The proposal is in conformity with the Planning Act, Section 28, in that the properties are located within the boundaries of the Downtown Hamilton Community Improvement Project Area. A corresponding Downtown Hamilton Community Improvement Plan, approved by City Council and the Province, specifically provides for the implementation of Heritage grants (By-law 97-140, 9.u).

Program Specifications

Purpose:
Revitalization of the downtown will ultimately require a new image. This new image can only be achieved by a clearly recognizable and meaningful change. It is recognized in the Downtown Revitalization intiatives which Council has approved for 1998 that public streetscaping improvements need to be augmented by the corresponding visual improvements to the surrounding built environment to bring about this meaningful change. The downtown streetscapes, by virtue of their economic and social importance to the health, image and sustainability of the City, are considered a top priority of downtown revitalization. This program is intended to target heritage areas, such as the Gore or Internationational Village, and heritage streetscapes, so that groups of buildings can be restored to achieve the strongest impact.

Where Will the Program Apply?

The program will apply to the heritage commercial properties located within the Hamilton Downtown Community Improvement Program (Queen St. to Cannon St. to Victoria Ave. to Hunter St.) where a Facade Design Study is approved.

Who will be Eligible for Program Funding?

Owners and tenants of commercial heritage properties in the Downtown area with no tax arrears are eligible. Properties to be funded must comply with the zoning by-law. Criteria for the tenants shall be that of the owners except that a tenant must have permission of the property owner to make changes to a building.

What will be Eligible for Program Funding?

The Core Heritage 2000 Program is a three-part project designed to revitalize the central core by providing matching grants to: (A) restore the historic building facades and in cases of special heritage features, improve the rear and side facades; (B) improve the storefronts and enhance pedestrian amenities through the use of canopies; and (C) improve the quality of the commercial signage. Proposals must meet the prescribed design criteria.

Level of Funding

Funding will be in the form of matching grant up to a maximum of $ 20,000. per property; properties with a frontage of more than 40' will be eligible for a matching grant of $500.00 per foot to a maximum of $75,000. Buildings designated under the Ontario Heritage Act are eligible for an additional $5,000. matching grant. Design, labour and materials are eligible but not the owners' "sweat equity".

Conditions of Funding

In the event of demolition or removal of funded improvements within the first five years of awarding the grant, the owner of the property will be responsible for repaying the full amount of the grant back to the City.

Who will Administer the Program and How?

Applications will be taken in by the Housing and Loans Division of the Building Department. The technical processing of the grant and facade design will be undertaken by the Planning and Development Department, Heritage Planning staff.

During pre-submission meetings, Guidelines for Heritage Restoration, Improving Storefronts and Canopies, and Commercial Signage will be provided to each interested property owner/tenant. Each application will be reviewed by Heritage Planning and an advisory committee, following the procedure established for the Gore Heritage 2000 Program. When the final drawing is submitted and the proposal approved by Council or the C.A.O., the applicant is then entitled to proceed with the project. Approval of the technical work will be done by the Planning and

Development Department after a site visit. The Housing and Loans Division will forward the grant money.

Program Benefits

-The Core Heritage 2000 Program demonstrates the City's leadership in a joint public-private funding approach. Joint public-private ventures are needed for long lasting revitalization of the downtown. (Toronto's Downtown Yonge St. Commercial Facade Improvement Grant and Loan Program has led to a development investment on Yonge St. ten times the value of the original matching grants.)

-The Core Heritage 2000 grants can be used in conjunction with other improvement programs such as the Convert/Renovate-to-Rent Loan Program, the Commercial Property Improvement Loan Program and the Community Heritage (loan) Fund, provided the established design criteria are used, to spur on the renewal of the building's interior as well as exterior.

-The Core Heritage 2000 funding enables small-scale developers to participate in and contribute to downtown revitalization.

-A greatly enhanced streetscape will help attract more people into the downtown area, the ultimate goal of downtown revitalization.

-Renovation and restoration work is labour intensive and will serve to create jobs for smaller and more specialized firms.

-Economic recovery will lead to increased taxes.

-With this effort to revive and enhance the King St. East buildings, the City will demonstrate its long-term commitment to downtown revitalization, its support of the private property owners who carry the financial responsibility for the Gore, and its belief in Hamilton's future.

cc Mark Mascarenhas, General Manager, Housing and Loans, Building Department
Patrice Noe Johnson, City Solicitor
Hazel Milsome, Co-ordinator of Community Renewal, Public Works Department

APPENDIX "A"
CORE HERITAGE 2000 PROGRAM

PART A: RESTORE THE BUILDING FACADES

Purpose: To transform the public image of the older downtown streetscapes from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.

Eligible Work: Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Heritage Design Studies, approved by Council and "Guidelines for Heritage Conservation in the Gore".

PART B: IMPROVEMENT TO STOREFRONT DESIGN

Purpose: To re-introduce the open, attractive traditional storefront design which gives maximum visibility both into and out of the stores, thereby attracting people to window shop or enter the store; also to encourage the use of canopies to provide protection for pedestrians against rain, snow and excessive sun as well as provide an attractive addition to the storefront.

Eligible Work: Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Heritage Design Studies, as well as improvement to the commercial signage and installation of canopies, which follows.

Included also as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

PART C: IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE

Purpose: To rediscover the inherent quality of the Gore by replacing the over-sized and excessive signage with ones which are clear, attractive, consistent and which together create an exciting downtown core.

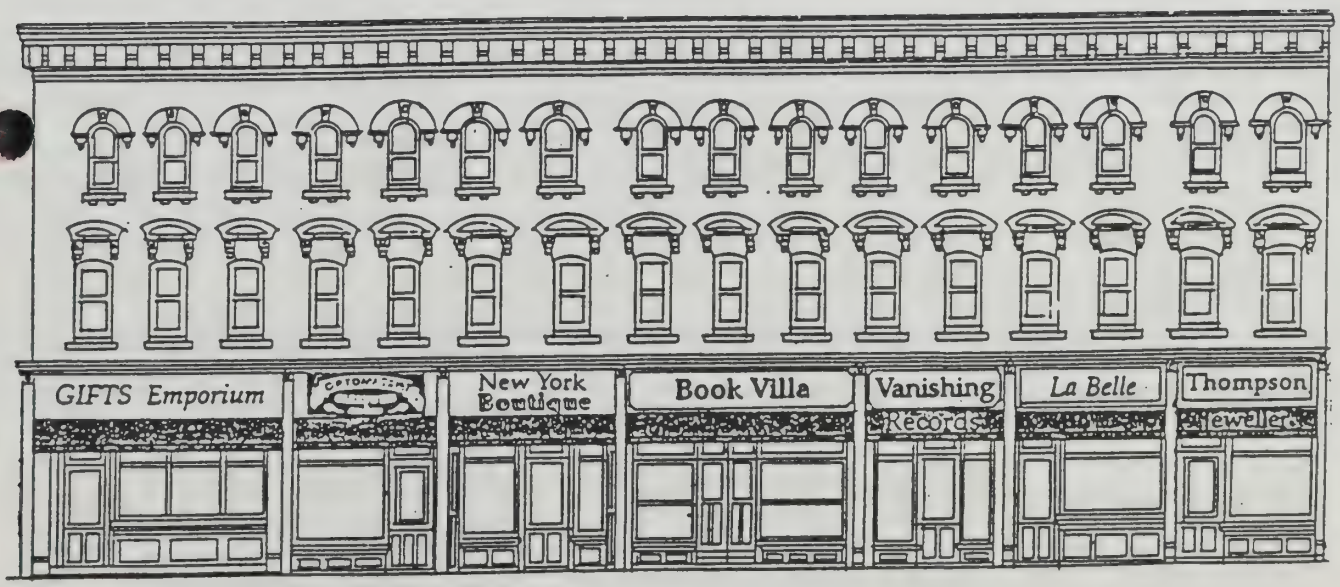
Eligible Work: Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Heritage Design Studies and the Signage Guidelines for the Gore. Design of the signage should fit with the character of the host building.

Hamilton's

INTERNATIONAL

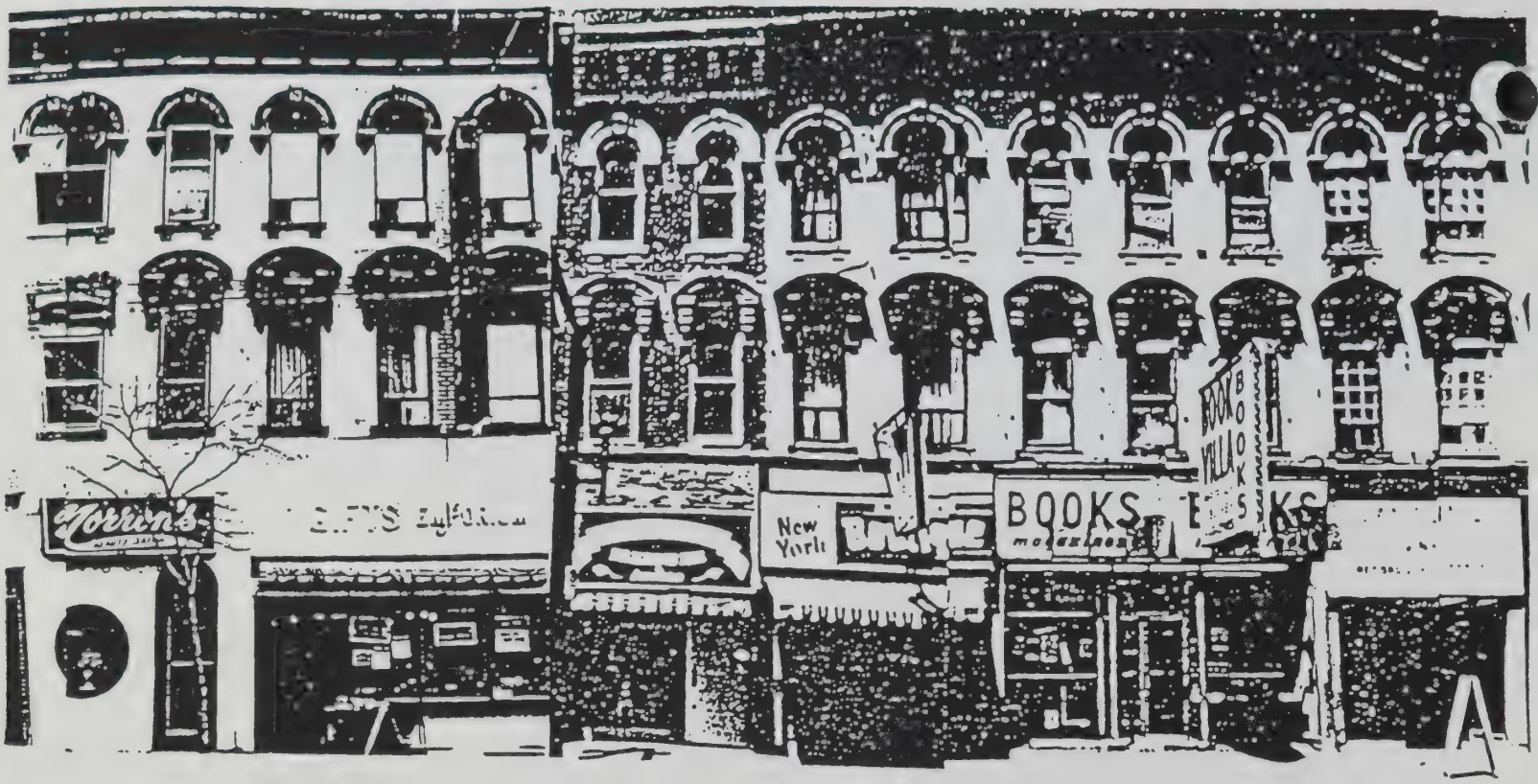
Village

Business Improvement Area

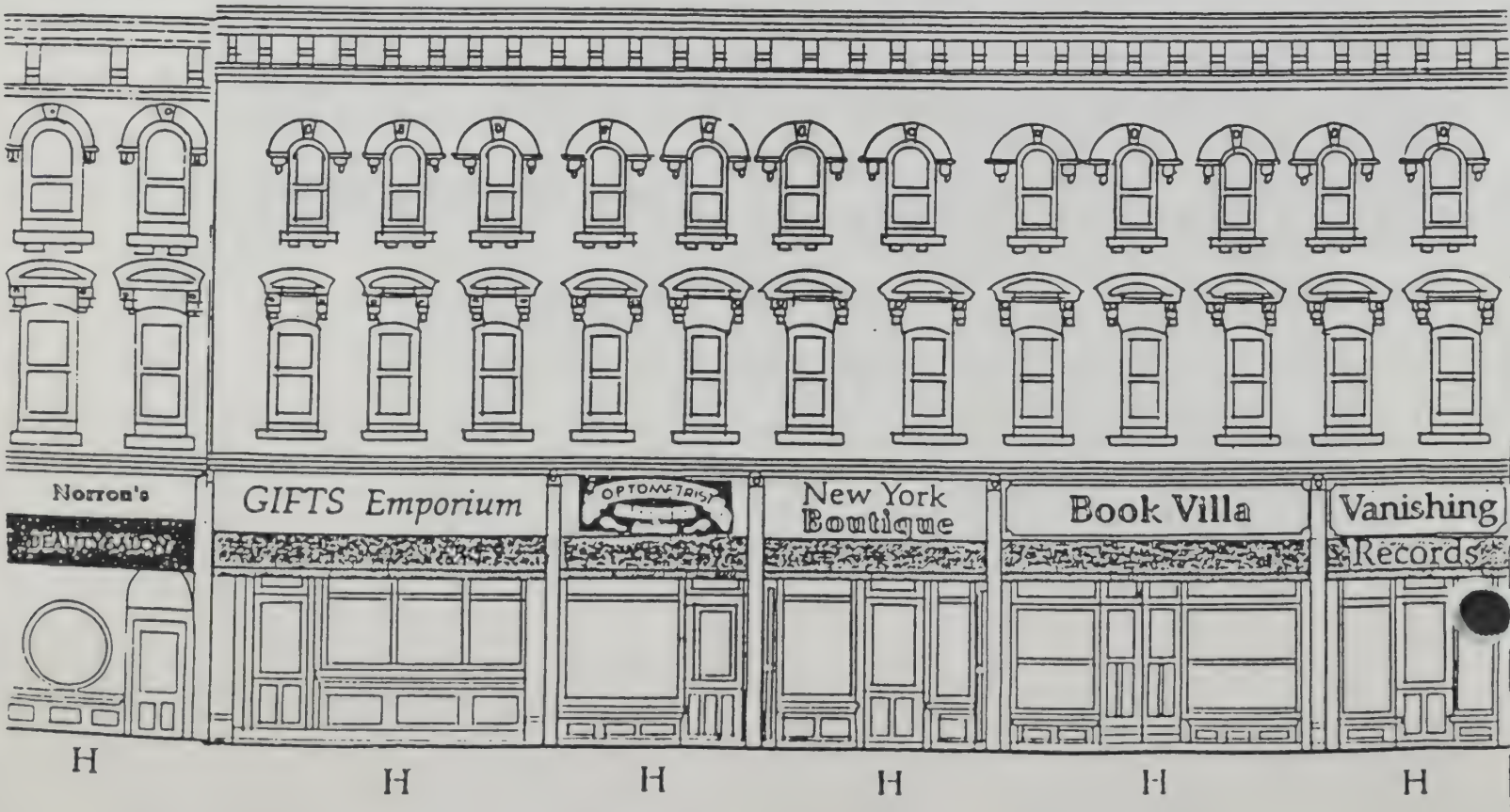


INTERNATIONAL VILLAGE BIA FACADE IMPROVEMENT STUDY

J.E.BERZINS, URBAN DESIGN CONSULTANTS



4 Norron's	5 Gift's Emporium	5 Optometrist	5 New York Boutique	6 Book Villa	4 Vanishing R[illegible]ds
. upgrade paint cornice . chemical clean fascia . repoint bricks	. upgrade paint cornice . chemical clean fascia . repoint bricks . install signboard . add signboard cornice . add awning . add basepanels . install store windows	. upgrade paint cornice . chemical clean fascia . repoint bricks . add signboard cornice . add awning . add basepanels . install store windows	. upgrade paint cornice . chemical clean fascia . repoint bricks . install signboard . add signboard cornice . add awning . add basepanels . install store windows	. add signboard . add basepanels . install store windows	. upgrade paint[illegible] . chemical clean fascia . repoint bricks . install signboard . add signboard corni . add awning . add basepanels





Hunan House Restaurant	Bakery	Guy's Pet Shop	Kimba's	China Wi
• add upper storey • add pilasters • remove wood siding • add traditional door • add window mullions	• add awning • add basepanels • add traditional door • chemical clean fascia	• same as adjacent	• same as adjacent	• same as



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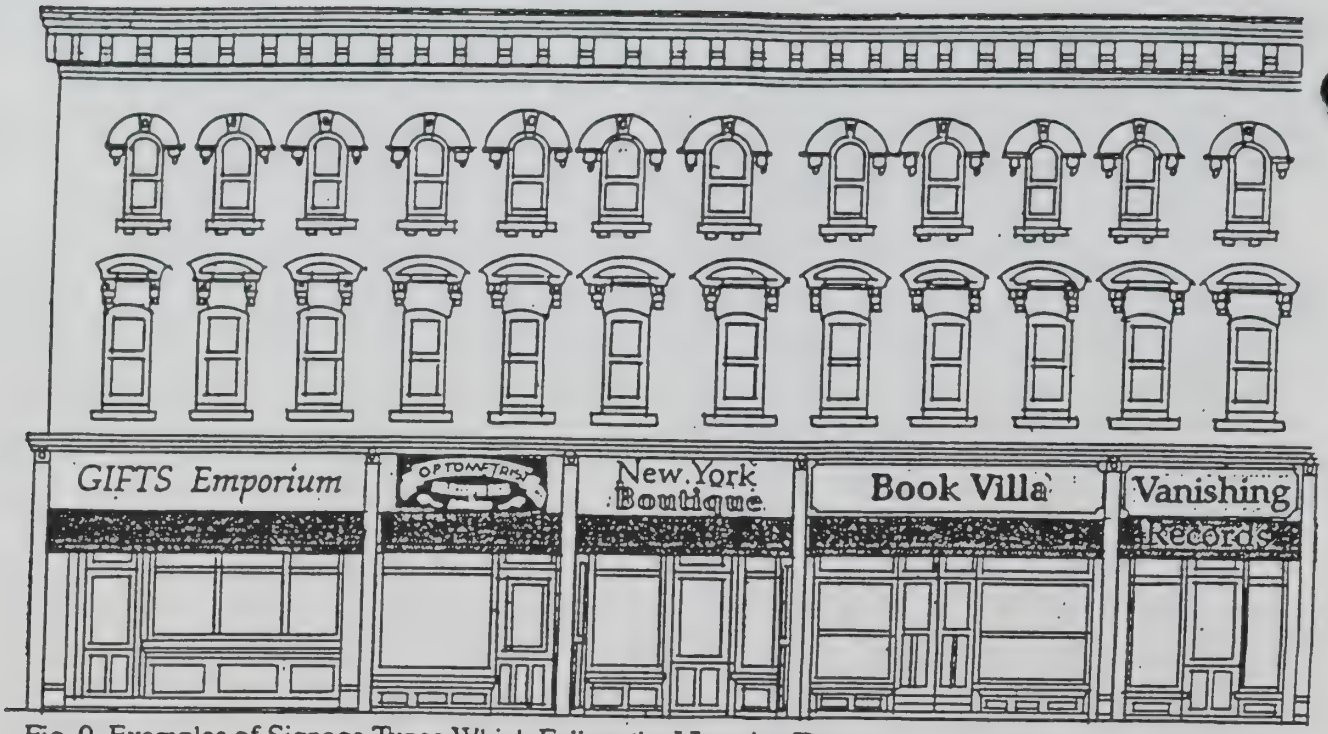


Fig. 9 Examples of Signage Types Which Follow the Victorian Theme
Signboard Heights Should be Coordinated with Adjacent Storefronts

5. 3 Signage Program

The second most important problem in the BIA, is the quality and type of signage which is found in typical storefronts. Within the boundaries of the BIA, 40 % of the signage is in only fair condition and requires upgrading.

The typical conditions which are found, include; outdated, handpainted, unmaintained, oversized signage and no signboards. This condition has a negative impact on the area's image.

It is recommended that a **Signage Program** be implemented in the core. To this end, detailed design guidelines are provided for signage improvements. The Block Design Guidelines Analysis identifies fascia signage which should be removed, changed or modified. If signage is improved in a comprehensive manner the image of the area will be enhanced.

Recommendations

1. Signboards are to reinforce the 'Victorian ' theme of the BIA in their style and type.

2. Traditional typefaces are recommended to reinforce the ' Victorian ' theme in the implementation of signboards. Signboards are to be no more than 15% of the fascia elevation.

3. Each storefront should contain only 1 signboard. Duplicate, excess and overhead signage should be removed.

4. Where applicable, signboard cornices are to be incorporated above signboards to complete the signage detail.

5. Signboards are to be located between pilasters and below second storey windows



James Street North

HAMILTON

—

A HERITAGE CONSERVATION DISTRICT PLAN

Prepared by

Nicholas Hill
Architect · Planner
London



A large three storey late Victorian terrace of very fine proportions, scale and detail.



A finely detailed classical building of the mid 1800's, with Georgian proportions.

11 bii

CITY OF HAMILTON

- INFORMATION -

JUN 18 1998

DATE: 1998 June 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. Pavelka, P.Eng.
Chief Administrative Officer

V. J. Abraham, Director
Planning and Development Committee

SUBJECT: Report on the Gore Heritage 2000 Program (1997 Capital Budget project)

1. Background--Description of Program

The Gore Heritage 2000 Program, approved by Council 1997 April 8 as part of the "Restore the Core" initiative, marks the City's first use of a matching-grant program as a catalyst for downtown revitalization.

This joint public/private venture recognizes that, although downtown commercial buildings are privately owned, these buildings together represent a public aspect of the City which is critically important. As the economic and social centre of the City, the core in large part establishes Hamilton's public image and thereby imparts a picture of the City's past and present achievements and its future prospects.

The program was opened in August 1997 and limited to property owners on the Gore streetscape (King St. East from James to Catharine Streets) for the purpose of targeting revitalization efforts to the most critical area in the core. It was also the intent to have the Gore work as a demonstration project in order to measure its effectiveness on a small scale.

As a matching-grant program, the City offered funding up to $20,000. per building (up to $40,000. per building over 50' of frontage) for the following work to be done in accordance with the Gore Heritage Design Study:

(1) upper facade restoration
(2) storefront renovation, including awnings, and
(3) new commercial signage.

To assist in the total rehabilitation of the buildings (exterior, interior and conversions), the City

also offers a series of loan programs to be used in conjunction with the facade improvement funding: the Commercial Property Improvement Loan Program; the Convert/Renovate-to Residential Loan Program; and the Community Heritage Trust Loan Program.

2. Use of the Program

(1) Currently, 12 property owners and/or tenants have already submitted applications and are actively involved in the design and implementation of their projects. Another group of 6 businessmen have expressed interest in undertaking improvements utilizing this program. These prospective building restorations will reinforce and maximize the trend towards revitalization already established by the landmark heritage buildings of the Gore: the Right House, the new Hamilton Courthouse and the Royal Connaught Hotel.

(2) It is expected that **most if not all the remaining funding left from the $200,000. budget will be taken up by the applications in progress.**

(3) For every dollar granted towards facade improvements, the owners has spent his own dollar. In addition, monies invested simultaneously in interior improvements substantially raise the level of investment. For example, the Woolworth building received $40,000. grant from the Gore Heritage 2000 Program; the total investment in the building, however, totals $. Several of the current applications include converting vacant upstairs space to apartmer

3. Assessment of the Gore Heritage 2000 Program

This program has proven itself successful for the following reasons:

(1) a substantial number of projects are in the works which upon completion will have a highly positive impact on the Gore streetscape;

(2) the facade improvement program has served to attract some major residential conversion projects which will be beneficial to downtown revitalization;

(3) the Gore Heritage 2000 Program demonstrates that the City has developed a vision for the Downtown core and that the existing heritage buildings have significant value and are worthy of rehabilitation.

(4) since its inception, this Program has gained momentum and successfully generated interest among property owners, merchants and other stakeholders to achieve positive and tangible change in the downtown Gore.

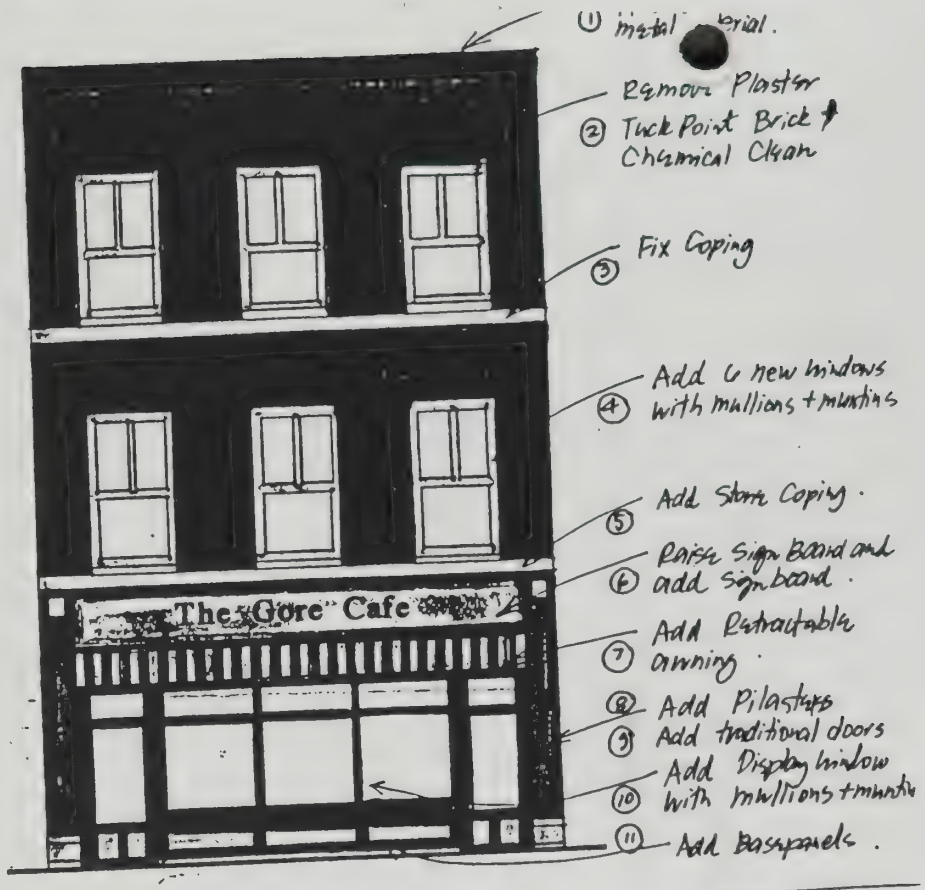
cc Len King, Building Commissioner, Att: Mark Mascarenhas, General Manager, Housing & Loans

CURTIS A. MURRAY
R. DENNINGER LTD.
264 KING STREET EAST
HAMILTON, ONTARIO, CANADA
L8N 1B7
TEL (905) 528 8468
FAX (905) 528 2320
PRIVATE
186 DUNDAS STREET EAST
RR#2, HAMILTON, ONTARIO
CANADA L8N 2Z7
TEL (905) 689 6646
FAX (905) 689 9864

The Gore Cafe Concept
Cost Estimates

(1)	Cornice	$1,000.
(2)	Fascia Rehabilitation	3,500.
(3)	Coping	800.
(4)	Windows (Upper)	3,600.
(5)	Coping /Cornice	800.
(6)	Signboard traditional	2,000.
(7)	Awning	2,800.
(8)	Pilastars	2,000.
(9)	Doors	2,400.
(10)	Display Windows	3,000.
(11)	Base panels.	1,800.

Approximate Estimate $23,700.



CONCEPT ELEVATION
PRELIMINARY

FACADE IMPROVEMENT PROJECT

business: Denninger's	OWNER/ TENANT INFORMATION	BUILDING INFORMATION	GENERAL COMMENTS
address: 7-9 King St. E. phone:	.Local- Yes	.NO. of st.- 2 .Build.Use- C .Style - Fr.	.Interest- High level
tenant: same phone:	.Absentee- No.	.Cost Pr.-$	.Priority- Yes
owner: Murray phone: 528-8468	.Requ.- Contact owner about ground fl. and upper storeys	BO.-$ .Upgrade- No .Makeover- Yes	
contact: Curtis Murray			
Block NO. /	Block Details: Part of Corner Block		

416 699-0896.

546-3933

11c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Enforcement of Property Standards By-Law -
Downtown Community Improvement Project Area
(98.2.4.2.1.A, 98.2.15)

RECOMMENDATION:

That the Building Department be authorized and directed to adopt a "proactive" approach on enforcement of the Property Standards By-Law on commercial buildings in the Downtown Community Improvement Project Area, using procedures of the by-law to effect improvements in property.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

With Field Services staff demand at their peak through the spring and summer, it will be necessary to prioritise in order to facilitate the workload associated with this undertaking. Response to other enforcement matters such as long grass and weeds may take longer to address than is usual for the Department.

BACKGROUND:

At the Committee of the Whole Meeting of 1998 April 9, held to consider the 1998 Capital Budget, staff were asked to review measures that would result in private commercial property owners improving their properties located in the Downtown.

It is the current policy of City Council to only enforce the Property Standards By-law on a complaint basis. Even though complaints can be filed without the respondent knowing who the complainant is, many property owners and citizens are reluctant to file complaints against their neighbours. As such, many properties are left to deteriorate to conditions that have a negative effect on the overall area. In some cases, to a point where demolition becomes an option over repair.

../2

The effect of properties which have not been maintained is evident in the downtown area. Often building facades are left to deteriorate, old signs remain in place, and buildings are generally in a rundown condition. The physical condition of buildings, which are not maintained, also affect adjoining and neighbouring businesses.

Representatives of the Building Department have met with directors of both the "Downtown Hamilton Business Improvement Area" and the "International Village Business Improvement Area" who have indicated their support of this direction. It is anticipated that continued communications with the B.I.A.s will assist in the implementation of property standards enforcement so as to achieve the greatest most positive impact.

As an incentive to building owners to make repairs, City Council approved an additional $850,000 in the Departmental Capital Budget for loan and grant programs in the downtown. It is anticipated that proactive enforcement in conjunction with the enhanced loan/grant programs will be a catalyst for a renewed interest in maintaining the downtown.

The existing enforcement procedures under this by-law offer a proven, effective means of effecting repairs. However, a Bill presently before the Provincial Government, which may receive royal assent as early as 1998 June 17, will result in the amending of the Ontario Building Code to include property standards powers. One of the changes through this process is the removal of the "Notice" stage of enforcement, making the process less cumbersome than as presently exits.

Further, it is expected that the previous low penalty of $2,000 contained in The Planning Act has not been carried forward to the Building Code. The new penalties would, therefore, be under the Ontario Building Code Act, which for a first offence are substantially larger at $25,000 for a person and $50,000 for a corporation. This change in itself will provide for an increased deterrent for non-compliance.

A follow up report will be provided after review of the impact of these changes.

LCK/PCL/JS/dm

11 d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP) - Tenant Component (98.2.4.2.1.A)

RECOMMENDATION:

(a) That the eligibility criteria for the tenant component of the Commercial Property Improvement Loan Program, (attached as Appendix "A"), be approved; and,

(b) That the eligibility criteria for the tenant component of the Commercial Property Improvement Loan/Grant Program applicable specifically to the Barton General Community Improvement Plan, (attached as Appendix "B"), be approved, and,

(c) That the eligibility criteria for the tenant component of the Commercial Property Improvement Loan/Grant Program applicable specifically to the Barton Village Community Improvement Plan, (attached as Appendix "C"), be approved, and,

(d) That, in accordance with the Planning Act, the Planning and Development Committee convene a public meeting to receive citizen input on the tenant eligibility criteria and the changes to the relevant Community Improvement Plans; and,

(e) That the Community Improvement Plans be amended to incorporate the program changes recommended:

(i) The Concession Street Community Improvement Plan; and,
(ii) The Downtown Hamilton Community Improvement Plan; and,
(iii) The Downtown Hamilton B.I.A. Community Improvement Plan; and,
(iv) The International Village Community Improvement Plan; and,
(v) The Main Street West Community Improvement Plan; and,

.../2

(vi) The Ottawa Street Community Improvement Plan; and,
(vii) The Westdale Village Community Improvement Plan; and,
(viii) The Barton General Community Improvement Plan; and
(ix) That Barton Village Community Improvement Plan; and,

(f) That the City Solicitor be directed to prepare the necessary By-laws amending the Community Improvement Plans as per part (e) of the aforementioned recommendation; and,

(g) That paragraph 2.10(b)(ii) of Schedule "A" to By-law No. 96-035, the Community Improvement Plans for the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street North and Westdale Village Community Improvement Project Areas be amended by removing the word "not" in the paragraph reading "consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, *not* including the amount of the City's loans;".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The tenant component of the Commercial Property Improvement Loan Program will not result in any additional allocation of funds for the Loan Programs. Monies are contained in account number CH 17104 00329 to fund the program.

In accordance with the Planning Act, (R.S.O. 1990, c.P.13, s.28), a public meeting is required to receive citizen input on changes to eligibility criteria and changes to the Community Improvement Plans. Approval by the Minister of Municipal Affairs and Housing of the amending by-laws is required by the Planning Act before the tenant component can be implemented.

There are no staff implications to administer the tenant component of the Commercial Property Improvement Loan Program.

BACKGROUND:

At its meeting held 1995 November 28, City Council approved the proposal to request the Province to enact special legislation to allow the City of Hamilton to make loans or grants to tenants located in a Community Improvement Area for the purpose of rehabilitating the premises leased by tenants.

.../3

The Province approved the legislation and staff from the Law and Building Departments have drafted the eligibility criteria for the tenant component and have drafted the amending by-laws to the relevant Community Improvement Plans.

To ensure compliance with the Planning Act, (R.S.0. 1990, s.28) appropriate modifications must be made to the Community Improvement Plans to include the tenant component of the Commercial Property Improvement Loan Program and a public meeting must be held to receive input on both the tenant eligibility criteria and the required changes to the Community Improvement Plans.

After this process is complete, application will be made to the Ministry of Municipal Affairs and Housing for approval.

With reference to recommendation (g), this is a housekeeping recommendation intended to ensure conformity with the Barton General Community Improvement Plan and practice as implemented.

LCK/MM/dk

Attach.

c.c. P. Noé Johnson, City Solicitor
D. Lobo, Commissioner of Public Works and Traffic Department

SCHEDULE "A" APPENDIX A

TENANT LOAN GUIDELINES

3.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.

3.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.

3.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.

3.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,

(a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;

(b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;

(c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

3.4 Loan amounts shall not exceed the sum of $10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of $30,000.00 in loans under this Program.

3.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than $5,000 will be secured by a Promissory Note, and for loans greater than $5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.

3.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc.;
- built-in showcases, freezers, special plumbing, etc.;
- signage;
- related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200;
- such other loan program administrative fees fixed by Council from time to time.

3.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.

3.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

3.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).

3.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

3.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.

3.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:

(i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;

(ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;

(iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;

3.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.

3.14 The Departmental charge shall be 1 1/2% of the loan or $200, whichever is more, as an administration fee. This will become an eligible expense on the application.

3.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.

3.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

SCHEDULE "A" APPENDIX B
BARTON GENERAL COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

5.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton General Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.

5.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.

5.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.

5.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,

(a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;

(b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;

(c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

5.4 Loan amounts shall not exceed the sum of $10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of $30,000.00 in loans under the program.

5.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than $5,000 will be secured by a Promissory Note, and for loans greater than $5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.

5.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc.;
- built-in showcases, freezers, special plumbing, etc.;
- signage;
- related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200;
- such other loan program administrative fees fixed by Council from time to time.

5.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.

5.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

5.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).

5.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

5.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.

5.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:

(i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;

(ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;

(iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;

5.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.

5.14 The Departmental charge shall be 1 1/2% of the loan or $200, whichever is more, as an administration fee. This will become an eligible expense on the application.

5.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.

5.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

6.0 Grants to Tenants

The provisions of paragraph 3.0 of Schedule "A" of By-law No. 95-180 to the owners of lands shall apply to grants to the tenants of property located in the Barton General Community Improvement Plan Area with the necessary changes, except as amended by this section.

6.1 The maximum grant to a tenant shall be $5,000. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of $15,000 in loans under the program.

TENANT LOAN GUIDELINES

17. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton Village Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.

18. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.

19. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.

20. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,

    (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;

    (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;

    (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

21. Loan amounts shall not exceed the sum of $10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of $30,000.00 in loans under the program.

22. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than $5,000 will be secured by a Promissory Note, and for loans greater than $5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.

23. Loans may be for the following types of improvements and their related expenses:
    - interior fixtures, including partitions;
    - interior decorating, including lighting, painting, wallpaper, etc.;
    - built-in showcases, freezers, special plumbing, etc.;
    - signage;
    - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200;
    - such other loan program administrative fees fixed by Council from time to time.

24. Loans shall be advanced only in respect of completed work which has been inspected by the City.

25. Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

26. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).

27. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

28. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.

29. Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:

    (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;

    (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;

    (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;

30. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.

31. The Departmental charge shall be 1 1/2% of the loan or $200, whichever is more, as an administration fee. This will become an eligible expense on the application.

32. Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.

33. All loans become due and payable upon the sale, closing or moving of the borrower's business.

34. Grants to Tenants

    The provisions of By-law No. 98-103 on grants to the owners of lands shall apply to grants to the tenants of property located in the Barton Village Community Improvement Plan Area with the necessary changes, except as amended by this section.

35. Grant amounts shall not exceed the sum of $5,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of $15,000 in loans under the program.

12.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 16
DA-98-13 (OPA-LAPP)
Chedoke Park "B" Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Site Plan Control Application DA-98-13 for 100 Beddoe Drive (Lapp Property)

RECOMMENDATIONS:

That approval be given to Site Plan Control Application DA-98-13 by Chedoke Terrace Inc., owner, for development of 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as APPENDIX "A", on the following basis:

a) modifications to the plans in relation to notes, dimensions, fencing and landscaping as marked in red on the plans;

b) submission of a revised Landscape Plan and Tree Preservation Plan to the satisfaction of the Niagara Escarpment Commission and the Director of the Planning and Development Department;

c) submission of a revised Grading Plan, a Stormwater Management Plan and an Erosion and Sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department;

d) provision that the Site Plan Agreement to be registered on title of the lands include a schedule outlining the approval of City Council of December 11, 1997 in the First Report of the Planning and Development Committee, Item 27 d(ii) through d(xviii), contained in the attached Appendix "B";

e) payment of the outstanding realty taxes; and,

f) provision of the following note on the Site Plan and Phasing Plan:

"Note: If the development proceeds as a condominium project, the phasing lines, as shown on the plans, may have to be revised to allow for the orderly development of the subject lands to ensure that each separate plan of condominium has adequate road access and that the appropriate servicing mechanisms can be established. In this regard, rights-of-way and servicing easements may have to be established to avoid joint-use agreements for municipal services and to ensure that each phase within the subject lands function in conjunction with the remaining phases."

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of December 11, 1997, City Council approved Official Plan Amendment No. 145 to permit the above noted development. Attached as Appendix "B" is the Item 27 of the First Report of the Planning and Development Committee, approved by City Council. The submitted plans carry forward the concept and conditions considered under the Official Plan.

- Proposal

The proposal is to develop the site for 172 townhouse dwelling units; 148 units in the northern portion of the site and 24 units in the southern portion.
The **northern portion** of the site is comprised of 72 continuous three story perimeter units with rear garages in the shape of a "U" and there will be 54, two storey units within the "U". The units will be oriented towards the interior of the site. The 7 m rear yard is located between the garage and the principle building. At the corner of Beddoe Drive and Studholme Drive, there will be turreted corner building for the purposes of a condominium office, recreational facilities, and/or small tuck shop.

Within the interior of the site, there will be an open space amenity/recreation area for the resident. An internal sidewalk will be provided for pedestrian circulation.

The **southern portion** of the site would accommodate 10 bungalow units with lofts and 14, two storey units. The buildings are located within the original building envelope established by the Niagara Escarpment Commission (NEC).

From an urban design perspective, the general lot layout implements the MOEE noise criteria. The resulting "U" shaped building creates a development that is "inward facing". The front yards, amenity areas, socialization and pedestrianisation will occur within the centre of the development. As a result, the garages face the street along the perimeter of the building which creates a street/road frontage which has the appearance of a back lane.

Generally, the proposal creates a relatively sun lit residential environment. In addition, this lot configuration allows for a safe environment sheltered from traffic and unwanted noise.

LOT SIZE AND AREA:

The subject lands have:

- 171.9 m (264 ft.) of frontage on Studholme Road;
- 305.6 m (1,002.5 ft.) along Beddoe Drive; and,
- 5.5 ha (13.5 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	Development Control (NEC)
Surrounding Lands		
to the north	Rail yard	"K" (Heavy Industrial, etc) District
to the east and south	Golf Course	Development Control (NEC)
to the west	Public Works Yard	Development Control

RESULTS OF CIRCULARIZATION:

- The Treasury Department has advised that there is outstanding realty taxes in the amount of $181,092.06 as of April 7, 1998.

- The Building Department has advised that the lands are under the jurisdiction of the Niagara Escarpment Commission.

- The Public Works and Traffic Department (Public Works Division) in their comments as attached as Appendix "C" has noted the location of the existing Department of Public Works and Traffic Department maintenance yard on adjacent lands immediately to the west and the noise and activities which this type of facility generates. The comments state that "we require the portion of fencing which is proposed on the Official Plan amendment to be chain link to be changed to 4.5m acoustic barrier for the entire length to provide a visual and sound barrier between this development and our works yard." In addition a warning clause should be placed on title for potential owners. Other matters noted considered two alternate species of trees to be used along the road allowances, low shrub and annual plantings in small island areas and implementation of an appropriate tree preservation plan.

- The Department of Public Works and Traffic (Traffic Division) in their comments as attached as Appendix "D" has addressed issues related to driveway design, landscape island spaces, parking areas and stop signs.

- The Regional Environment Department (Development Division) in their comments as attached as Appendix "E", has provided details pertaining to slopes, grades, roof leaders, sodded areas, rails, and catch basins. The details should be addressed through a resubmitted Grading Plan.

  In addition the comments from the Regional Transportation Department, Roads Division were provided and dealt with issues related to the dedication of a triangular portion of land at the Beddoe Drive curve, planting along the road allowance, daylight visibility triangles, associated roadway improvements, engineering drawings and required agreements and easements.

- The Regional Environment Department (Planning Division) has advised that:

  REGIONAL COMMENTS: The subject lands are identified as "Urban Area" and Niagara Escarpment Plan - "Urban Area", in the Hamilton-Wentworth Official Plan (H.W.O.P.). The proposal is consistent with the housing intensification and compact urban form objectives of the HWOP. In addition, on the basis of the history of this revised proposal, and the conditional approval by the Joint Consolidated Board of the previous development proposal for this site, this proposal does not conflict with the intent of the HWOP.

  PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS, provided the conditions for development as stipulated by the affected Ministries as approved by the Joint Consolidated Board, with respect

to the previous proposal, are appropriately incorporated and implemented in this revised proposal."

- The Niagara Escarpment Commission have the following comments:
"The plans submitted are satisfactory with respect to the site plan (Alternative 10) and architectural plans.

Generally, the landscape plan is satisfactory, except for some minor modifications to plantings in the northeast corner and along the easterly boundary of the site which were discussed at the site meeting as a mutually acceptable amendment. We will provide a final comment on the landscape plan once the amendment is submitted.

Except for possible modifications to address tree preservation, we have no objection to the grading plan. Tree preservation plans have not been submitted. We discussed the tree preservation requirements on site and expect the applicant to address preservation of the woodlot in Phase 3 and the potential preservation of all healthy trees in the northeast corner through an additional plan to be submitted as part of the Site Plan Control process for review and comment."

COMMENTS:

1. The proposal is in keeping with the concepts presented and discussed during the processing of the Official Plan amendment. The various issues and conditions have been reviewed to be included as part of the plans to be registered with a Site Plan Control Agreement or part of a schedule within the agreement.

2 Appendix "B" includes the conditions of the Official Plan Amendment No. 145 which was approved by City Council on December 11, 1997. Since a number of these conditions require further research and detailed technical studies and plans beyond the plans of Site Plan Control and works adjacent to the property on road allowances, they should be defined as an integral part of the project and should form a schedule to the Site Plan Agreement to ensure that they are implemented. These include Item 27 d(ii) through d(xviii).

3. Modifications are required to the plans in relation to notes, dimensions, fencing and landscaping as marked in red on the plans to respond to a number of issues from the various departments, agencies, and neighbourhood association.

4. With respect to comments from the Department of Public Works and Traffic (Public Works Division) concern exists over the proximity and relationship of the proposed residential development and the existing maintenance yard. As required by the conditions of approval of the Official Plan amendment, and included in the schedule of the Site Plan Agreement, a warning clause is required to be registered on title of the land to advise of

noise levels of both the Public Works Yard and the Rail Yard. In addition, the noise attenuation barrier will be constructed with Phase Three for the southerly units. The Phase One development will include a 1.9m to 2.0m high visual barrier along the property line while the acoustic barrier will be provided by the unbroken facade of the garage structure to respond to the noise situation form both the Public Works Yard and the Rail Yard.

5. As noted by the Treasury Department, outstanding realty taxes of $181,092.06 as of April 7, 1998, remain unpaid. As a condition of approval, the property taxes should be brought into good standing.

6. Minor revisions are required to the Landscape Plan, and have been red-lined, to incorporate comments from the various departments, agencies and the neighbourhood association. The applicant has submitted a portion of the Tree Preservation Plan and has indicated further details are being completed. A revised Landscape Plan and the completed full Tree Preservation Plan must be submitted to the satisfaction of the Niagara Escarpment Commission and the Director of the Planning and Development Department;

7. With respect to the comments from the Regional Environment and Regional Transportation Department, the Grading Plan should be revised to incorporate and clarify the issues and concerns noted. In addition, as defined in the Official Plan Amendment conditions of approval, a Stormwater Management Plan and an Erosion and Sediment Control Plan were also required and must co-ordinate issues and design with the overall grading plan. Therefore the revised Grading Plan, a Stormwater Management Plan and an Erosion and Sediment Control Plan should be submitted to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. Also noted is a requirement for a small triangular portion of land to be dedicated to the City of Hamilton, where the existing municipal roadway is located.

8. The neighbourhood association representatives have reviewed the proposed development and provided comments dealing with visual details and features of the structures, the planting design, and the condominium aspect. Where possible the issues have been addressed, ie. plantings, notes, minor building elevation features, while some other building features continue to be discussed. The Building elevation plans have included minor red lined revisions to incorporate those concerns.

9. The plans have indicated that the project will be constructed in phases and may possibly be divided in the same manner in condominiums. Although the processes of possible condominium has not been fully evaluated, a note on the plan should be included to address some of the difficulties which must be resolved. These deal with access, easements, servicing, rights-of-ways, etc.

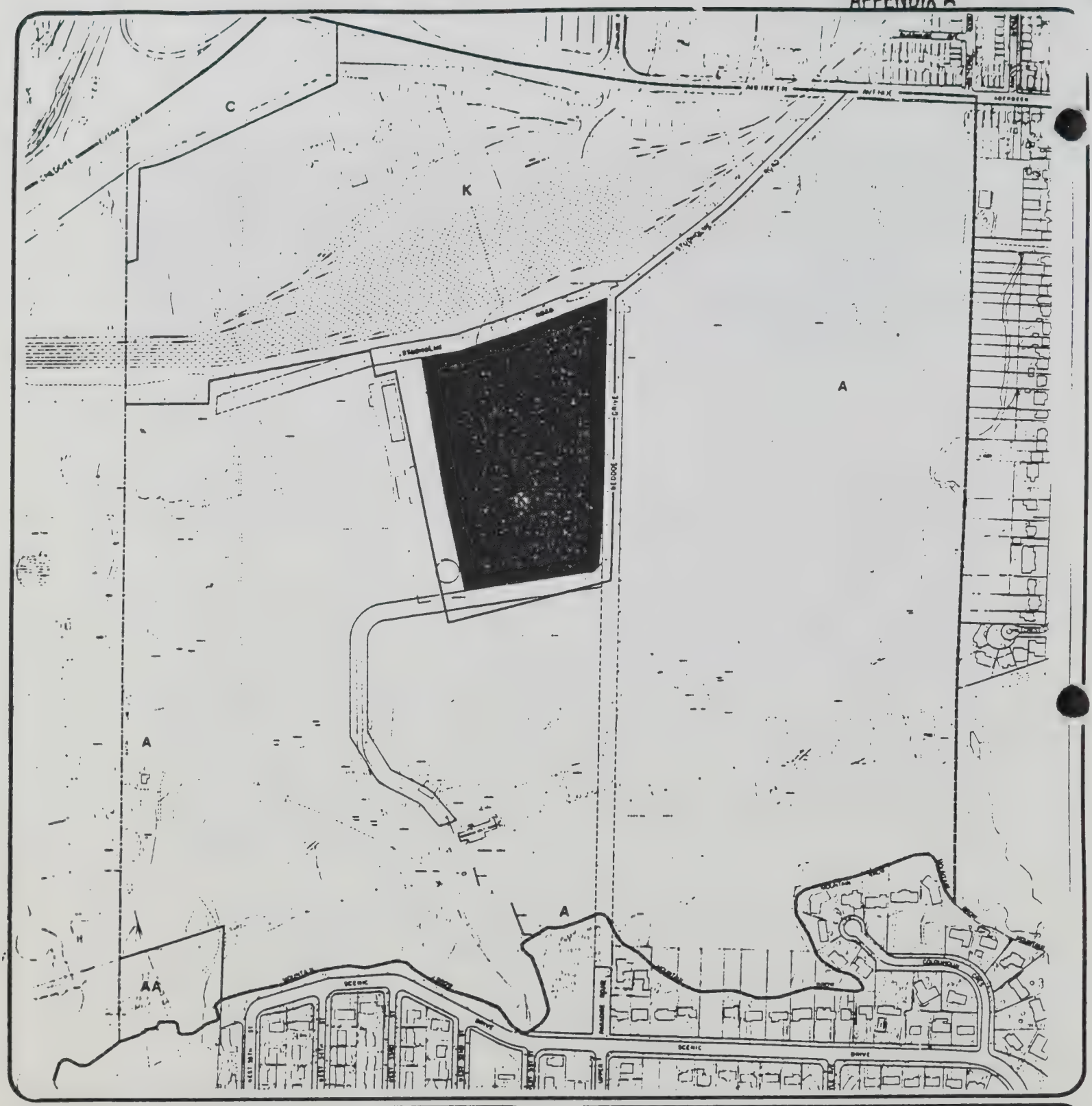
The following note should therefore be placed on the Site Plan and Phasing Plan:
"Note: If the development proceeds as a condominium project, the phasing lines, as shown on the plans, may have to be revised to allow for the orderly development of the subject lands to ensure that each separate plan of condominium has adequate road access and that the appropriate servicing mechanisms can be established. In this regard, rights-of-way and servicing easements may have to be established to avoid joint-use agreements for municipal services and to ensure that each phase within the subject lands function in conjunction with the remaining phases."

CONCLUSION:

Based on the foregoing, the application can be supported.

Jps
c:john\wp98\da9813.rpt-june15

APPENDIX A



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	DA-98-13
	Date	Drawn By
	April, 1998	R.L.

COUNCIL MINUTES
DECEMBER 11, 1997
FIRST REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

27. (a) That approval be given to Official Plan Amendment No. 145, Chedoke Terrace Inc., owner, for a redesignation from Industrial to Residential on Schedule "A" - Land Use Concept and to establish a "Special Policy Area" in the Official Plan, to permit the development of the lands for 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as Appendix "M", on the following basis:

(i) the maximum number of townhouse units will be 172 comprised of 24 townhouse units in the woodlot, 72 units in the perimeter ("U" shaped) building and 76 interior townhouse units; and,

(ii) the maximum height of the townhouses shall not exceed 12.5 m and the turret feature on the community building shall not exceed 15 m; and,

(iii) in accordance with Section A.2.1.3iii), retail stores and services that serve the daily needs of the residents will be permitted within the perimeter building only; and,

(iv) the lands will be subject to site plan control; and,

(b) That upon finalization of the Official Plan Amendment, the approved Chedoke Park Neighbourhood Plan be amended by redesignating the subject lands from "Special Policy Area" to "Attached Housing"; and,

(c) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223, be further amended by adding the lands located at 100 Beddoe Drive and the Director of Planning and Development be directed to prepare a By-law, to amend By-law 79-275, for presentation to City Council; and,

(d) That the following conditions be imposed on the development in accordance with the Consolidated Board's decision:

(i) In addition to the standard requirements of the Site Plan Control Process, the following additional requirements will be imposed:

(1) A 4.5 m acoustical barrier shall be provided and maintained on the westerly limits of the property between the south end of the property and the southerly limits of the townhouses in the perimeter building, approximately 130 m); and,

(2) a 1.2 to 2.0 m visual barrier shall be provided and maintained along the westerly boundary between the most northerly point of the property and end of the townhouses in the perimeter building, approximately 150 m; and,

(3) a 3 m high acoustical barrier, approximately 20 m in length, shall be provided and maintained in the area of townhouses located within the woodlot to protect the most southerly row of townhouses and their amenity/rear yard area; and,

(4) a 3 m high acoustical barrier, approximately in length extend southerly from the wall of the eastern most townhouse unit in the most southerly row of townhouses; and,

(5) the Landscape Plan shall include the following details; the location, size, number and type of trees to be planted, predominantly native plant materials; a planting schedule and a maintenance statement that will require the care and replacement of stock and provision for the seeding or sodding of all disturbed areas within the first growing season following completion of construction; and,

(6) a Tree Preservation Plan that shall include the following details: the location, size, number and type of trees to be retained; the method of protection from construction activity, i.e., fencing, wrapping, signing, wells around base of trees; if a woodlot is to be retained, its location should be clearly shown on a scaled site plan with the location of a limit of work fence accurately shown and trees defining the woodlot edge adjacent to development identified. (NOTE: grading near the base of trees to be preserved will not be permitted); and,

(7) that the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented; and,

(8) that prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(a) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(b) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineer Section, Region Environment Department; and,

(c) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch; and,

(d) All disturbed areas will be revegetated with permanent cover immediately following completion of construction; and,

(9) The applicant shall consider establishing a bus stop abutting the property; and,

(ii) Prior to issuance of building permits, the working drawings must be certified by a professional engineer, registered in Ontario and competent in acoustics, to be in compliance with the approval conditions of the Joint Board and specifically to ensure that all units are designed to comply with the indoor sound level limits listed below accounting for idling locomotives in the rail yard:

	Rail(*)	dba Road(*)	Yard (**)	Works
Bedrooms (2300-0700)	35	40	4	0
Living/Dining/Recreation Rooms (0700-2300)	40	45	45	

*LEQ for indicated time period **LEA for any hour

The acoustical certification shall be implemented by an original noise control certificate that is signed, stamped and dated by the acoustical engineer, and applied to each drawing; and,

(iii) The interior sound levels in the bedrooms on the easterly exposed townhouses shall not exceed MOE interior noise guidelines. Similarly, the same units shall be designed to meet 35 dBA Leq from the idling locomotives on the sidings closest to the Rail Yard; and,

(iv) Air conditioning shall be installed in all units; and,

(v) The easterly four units of the south easterly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the south or south east; and,

(vi) The westerly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the north; and,

(vii) There shall be no windows, balconies, or amenity areas above the first floor in the end units of either the southwesterly row of townhouses or the westerly leg of the perimeter building; and,

(viii) Balconies or other amenity areas above the first floor of the westerly unit of the southwestern row of townhouses shall not have line-of-sight to any portion of the Public Works Yard; and,

(ix) The owner undertake a vibration study to the satisfaction of the St. Lawrence and Hudson Railway Company; and,

(x) All of the units shall carry the following Warning Clause on all Agreements of Purchase and Sale or lease or reservation agreements and is to be registered on the title of the land:

"Occupants are advised that noise levels for the Public Works Yard and the Rail Yard may, at times be a concern,occasionally interfering with some activities of the dwelling occupants as the noise level may exceed the Ministry of Environment and Energy's noise guidelines."

The clause is to be to the satisfaction of the City Solicitor and the Director of the Planning and Development Department; and,

(xi) A visual barrier, between 1.8 and 2.0 m in height, be installed at the expense of the owner, separating the Railway Property from Studholme Road for that area opposite the subject lands. The fence shall be constructed from the eastern most terminus of the existing fence along the Railway property on the north side of Studholme Road to a point directly north of the westerly boundary of the subject property. The Fence shall be constructed on City lands and designed and constructed to the satisfaction of the Commissioner of Public Works and Traffic Department and the Director of the Planning and Development Department; and,

(xii) The owner pay 50% of the cost of constructing a sidewalk on the south side of Aberdeen Avenue between Studholme Road and the existing municipal sidewalk west of Chedoke Avenue; and,

(xiii) Studholme Road is to be constructed to an urban cross section and the method of financing be determined by the Transport and Environment Committee; and,

(xiv) Sidewalks shall be provided, at the owners cost, on Beddoe Drive and Studholme Road adjacent to the subject property; and,

(xv) A sidewalk shall be provided, at the owners cost, along one side of Studholme Road from the east side of Beddoe Drive to Aberdeen Avenue; and,

(xvi) Prior to the issuance of any building permits by the City of Hamilton, the applicant shall satisfy the Ministry of the Environment and Energy with respect to noise mitigation features for all buildings and structures; and,

(xvii) Development shall take place only in accordance with the site plan and development permit application approved, except where special conditions are to apply; and,

(xviii) The owner shall enter into a special servicing agreement with the Region to provide for the sanitary sewer connection form the subject lands to the intersection of Aberdeen Avenue and MacDonald Avenue. The cost of installing the sanitary sewer shall be paid for by the owner.

PLANNING & DEVELOPMENT
MAY 07 1998
TO
VA
JHE
CITY CLERK
ADMIN

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: P.D. Mallard, M.C.I.P.,R.P.P.
Division Head
Development and Urban Design
Attention: John Sakala

YOUR FILE:

FROM: C. Firth-Eagland, Manager
Streets & Sanitation Division
Department of Public Works & Traffic

OUR FILE: 98.2205
PHONE: 546-4337

SUBJECT: **Site Plan Control Application**
DA-98-13 For 100 Beddoe Drive

DATE: 1998 May 7

In response to your letter dated April 3, 1998 regarding the site control Application DA-98-13 for 100 Beddoe Drive, staff has reviewed the related plans and provides the following comments.

The Department of Public Works and Traffic maintenance yard has been in place at this location for many years. This type of facility generates noise at all times of day and night, on weekdays and weekends, particularly during the winter months when the operation can often be on a twenty-four hour basis. Accordingly, we request that a clause be placed on title to these lands warning potential owners that noise, odors and dust will be generated by the Department of Public Works and Traffic works yard adjacent to their site.

Any roadway improvements required by an adjacent property owner to this site would be made at the sole expense of the developer.

Along the boundary between the site and the adjacent City of Hamilton works yard, fencing has been proposed. We require the portion of fencing which is proposed on the Official plan amendment to be chain link to be changed to 4.5m acoustic barrier for the entire length to provide a visual and sound barrier between this development and our works yard.

This department only reviewed the plant material adjacent to roadways and sidewalks; all other lands were deemed private property and therefore the maintenance of this plant material is the responsibility of the private landowner. Unfortunately the drawings provided did not clearly identify City-owned land, namely road allowance, and therefore it was difficult to identify exactly which trees would in the future become the maintenance responsibility of the City of Hamilton.

A site inspection of the subject property revealed there to be no municipal tree conflicts for this proposed development. However, we would strongly suggest the implementation of an appropriate tree preservation plan, (see attached copy of By-Law 92-155 Respecting Trees, and tree preservation notes), to protect all trees which are to remain at this site.

In general we respect the decision to design with native trees for this project considering its proximity to the golf course and overall durability of native plant material. With the exception of silver maple, all other plant material is suitable for planting on public property under **Municipal By-Law 92-155 Respecting Trees**; however, some of the varieties chosen are not suitable for the locations where specified for this project. For example, the small planting areas designed between the private drives off Studholme Road and Beddoe Drive are not suitable for the proper growth of hackberry, or green ash. As an alternate, we suggest that "Ivory Silk", "Serviceberry" or "Bradford Pear" be considered for use in the islands that are a minimum of 2 metres or wider. Any beds smaller than 2 metres should be planted only with shrubs and annuals.

The property owner, developer and consultants should be aware that the City of Hamilton would **not** under any circumstances maintain shrub and annual plantings on private or city property.

C. Tutt-England

CFE/RV/JP/CK/rb

c.c. J. Pook, City Horticulturist
E. Hess, Superintendent, Parks Development
R. Violin, Parks Draftsperson
K. Jones, Foreman, Forestry
C. Keenan, Foreman, Forestry

APPENDIX D

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5
Tel. (905) 546-4510 / Fax (905) 546-2419

APR 2 1998

1998 April 20

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA 98-13
100 Beddoe Drive

In response to your letter of 1998 April 3, please be advised that we have reviewed this application and provide the following comments.

We had previously stated in our letter of 1997 October 15, that we did not agree with the proposed design for the individual driveways to Beddoe Drive or Studholme Drive. The legal parking spaces for each individual townhouse is located in the garage. The 6.0 metre maneuvering space has landscaped islands at the bottom of the maneuvering area. These islands flair outwards narrowing the approach to the street. Typically ,the maneuvering space provides for parking. However, this design does not allow for this space to be fully utilized for additional parking. It also requires vehicles to maneuver in/out of the garage at an angle. On-street parking adjacent to the townhouse will also have to be prohibited. The landscape islands add to the aesthetics of the development, however, they reduce the efficiency of the additional parking and maneuvering area.

All internal roadways accessing Beddoe Drive and Studholme Drive must stop before entering these roadways. Stop signs must be installed at these locations. Internal roadway intersections should also be controlled by stop signs.

We approve of the location of the access in principle, but the applicant should be advised that an application must be made to the Traffic Division, Department of Public Works and Traffic for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. A copy of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Should you require any further information, please contact Ed Switenky at 546-2066.

Yours truly,

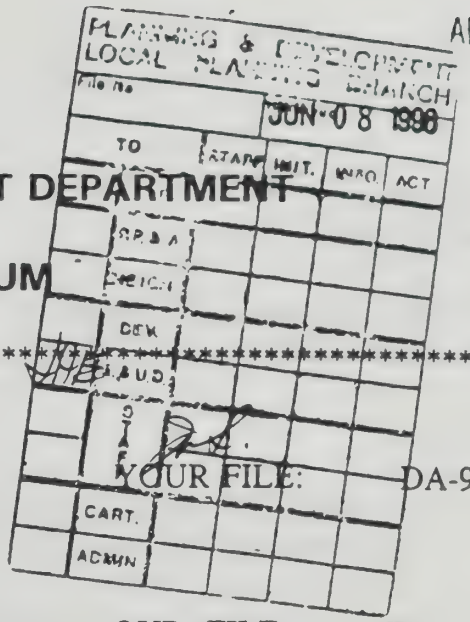
E. Switenky

Ed Switenky, C.E.T.
Supervisor of Traffic Studies/
Traffic Technologist

ES/kag

c.c. Harold Groen, Roads Division

APPENDIX E



REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM

****

TO: P. D. Mallard, M.C.I.P., R.P.P.
Division Head
Development and Urban Design

YOUR FILE: DA-98-13

FROM: Eugene P. Chajka, P. Eng.
Manager, Development Engineering Section
Regional Environment Department

OUR FILE: E220-0305

PHONE:(905) 546-2809

SUBJECT: **Site Plan Control Application DA-98-13 for 100 Beddoe Drive**

DATE: 1998 June 8

The grading plan submitted dated January 1998 will be approved with respect to grading when the following revisions have been dealt with.

(1) A notation should be shown on the grading plan as to how the roof leaders of the proposed buildings are to discharge either directly to the storm sewers or overland.

Should the applicant/owner choose to discharge overland we will require a stormwater management report prepared by a qualified Engineer, showing that this development will have no negative impact on the subject or abutting properties.

(2) Proposed property line elevations should be provided at a 15 m interval along all property lines and at all lot corners.

Alternatively if the existing elevations are to be maintained please indicate this with appropriate notes.

Property line elevations along Beddoe Drive should be set equal to or up to 0.15 m higher than the corresponding perpendicular centreline elevations of Beddoe Drive.

(3) All driveways onto the site from either Studholme Drive and Beddoe Drive should be a maximum of 3.0 % within the road allowance and 5.0 % within the first 7.5 m on private property.

Cont'd...

Site Plan Control Application DA-98-13 for
100 Beddoe Drive

Cont'd...

(4) All sodded areas of the site and swales should be no less than our minimum slope of 2.0 %. Rearyard areas Backyard area

Proposed swale inverts should be provided at the start end, at all direction changes and at a 15 m interval along all swales.

(5) Proposed elevations should be provided for all catch basin tops.

(6) Proposed top and bottom of wall elevations should be provided at the start, end and at a 15 m interval along all retaining walls.

Retaining walls 0.6 m higher and greater require construction of a fence or guard rail at the top of the rear of the wall. A note to this effect should be indicated on the plan.

For retaining walls 1.0 m in height or greater, a typical cross-section of the wall should be shown on the plan.

(7) A catch basin should be provided for the proposed parking area at the north east corner of Studholme Road and Beddoe Drive.

(8) Based on the elevations provided and the number of risers indicated the proposed finished grade at dwelling provided, 104.00 m, fronting Block 1 appears to be incorrect. In addition, the elevation provided to the rear of Block 3 does not appear to be correct based on the number of risers indicated.

Please review the numbers of risers indicated for each unit to ensure that the appropriate grades are being obtained.

(9) Portions of the asphalt roadway within the site are less than our minimum requirement of 1.0 %.

Cont'd...

**Site Plan Control Application DA-98-13 for
100 Beddoe Drive**

Cont'd...

(10) We recommend that as a condition of Site Plan approval that the owner enter into a Modified Subdivision Agreement with the City of Hamilton for roadway improvements etc. and a Service Agreement with the Region of Hamilton - Wentworth for the construction of watermains, and storm and sanitary sewers.

(11) Note # 1 under the "Grading Notes" section should be modified to refer to the Commissioner Regional Environment Department

For the information of the applicant, there may be outstanding servicing costs for sewers and watermains in the roads adjacent to and abutting the subject lands. Outstanding servicing costs are not recoverable under a site plan application, however under an application for condominium approval these costs are fully recoverable by the Region. Please consult with the Development Division of the Regional Environment Department prior to any application for condominium approval.

In order to assist the applicant/owner with the preparation of the security as required under the Site Plan Agreement, we have attached a copy of a guideline for estimating security requirements. It should be noted that this guideline, only includes items specific to our Department's security requirements, and depending on the details of the development, securities for additional items may be added. Please note that the estimate must be stamped by a qualified professional engineer, architect or landscape architect.

The following comments have been received from the Region's Transportation Department, Roads Division.

1. According to most recent plans submitted by the applicant/owner, a portion of the existing travelled pavement of Beddoe Drive presently crosses private property at the L-shape bend on Beddoe Drive at the south side of the property. This is the first time that we are aware of this roadway encroachment on private property. In order to resolve this matter we recommend that as a condition of site plan approval that a triangular piece of land, as outlined on the attached plan, be dedicated to the City of Hamilton for road widening purposes.

Cont'd...

**Site Plan Control Application DA-98-13 for
100 Beddoe Drive**

Cont'd...

2. In our previous comments on this development concept we advised that the planting of the tree materials within the road allowance would likely create a "picket fence" effect and as a result motorists visibility entering either Beddoe Drive or Studholme Road would be partially or wholly restricted due to the tree plantings. We also stated that any tree plantings should be wholly contained on private property only and setback a minimum of 2.5m from the road allowance limits.

   With respect to Studholme Drive, it is our recommendation that any new plantings within the boulevards or concrete islands within the road allowances be limited to sod or annual flowers only with the maximum height of the mature vegetation (excluding existing trees) not to exceed 0.60m above the corresponding perpendicular centreline elevation of Studholme Road. Should the applicant wish to plant high canopy trees in the proximity of the driveway areas, we recommend that they be set back a minimum of 5.0m from the future edge of curb on Studholme Road. (please also refer to comments from the Forestry Section - Public Works) This setback is required since all vehicles must reverse across the street line either entering or exiting the properties.

   As was noted previously, the existing street/property line on Beddoe Drive is approximately 2.1m west of the existing edge of pavement. This setback becomes critical with respect to motorists exiting or entering the roadway. In order to ensure adequate visibility for motorists entering Beddoe Drive, we recommend that any new vegetation within 5.0m of the existing edge of curb not exceed a mature height of 0.60m above the corresponding perpendicular centreline elevation of Beddoe Drive. Any plantings within the road allowance must be either sod or annual flowers.

3. We require minimum 5m by 5m visibility triangles between the edge of the main access driveways to Studholme Road and Beddoe Drive and the road allowance limits in which the maximum height of any objects, landscape features or mature vegetation (excluding existing trees) etc. is not to exceed a height of 0.60m above the corresponding perpendicular centreline elevation of the adjacent streets.

4. We require a minimum 9m by 9m visibility triangle at the corner of Studholme Road and Beddoe Drive in which the maximum height of any object or mature vegetation (excluding existing trees) is not to exceed a height of 0.60m above the corresponding centreline elevation of the adjacent streets.

Cont'd...

**Site Plan Control Application DA-98-13 for
100 Beddoe Drive**

Cont'd...

5. As a condition of approval we recommend that the applicant/owner enter into a modified subdivision agreement with the City of Hamilton for all roadway improvements associated with this proposed development. These works include but are not limited to the following:

   i) The reconstruction of Studholme Road to a urban cross section with sidewalks on the north side of Studholme Road from the existing sidewalk on Studholme Drive to the east to the westerly limits of the subject lands.

   ii) The reconstruction of the existing curb on the west side of Beddoe Drive, adjacent to the subject lands and the construction of municipal sidewalks on the west side of Beddoe Drive, as required, to service this development.

   iii) The construction of a municipal sidewalk on the south side of Aberdeen Avenue from Studholme Drive to the existing municipal sidewalk west of Chedoke Avenue.

   iv) Any other works deemed necessary by City of Hamilton Council.

   The plans submitted by the applicant indicate a proposed curb and gutter cross section and sidewalk on the northside of Studholme Road and proposed sidewalks on Beddoe Drive, adjacent to this development. This proposal is in keeping with the proposed urban development currently being proposed on these lands and facilitates the vehicle traffic and pedestrian activity generated as a result of this development. Further, the proposed curb and gutter cross section on both sides of Studholme Road from Beddoe Drive to the west end of this development is required to provide differentiation between the numerous street townhouse type accesses on the south side. Due to the number of accesses, it is then desirable to provide the sidewalk on northside of this section of Studholme Road, as shown on the plans. Based on the above and the fact that the applicant/owner has shown these works on the proposed site plan, we recommend as a condition of site plan approval that these roadway improvments be constructed.

Site Plan Control Application DA-98-13 for
100 Beddoe Drive

Cont'd...

In our previous comments on these road works, the applicant was advised that we would recommend that the total costs of the roadworks on Studholme Road and Beddoe Drive would be the applicant/owners responsibility and that the applicant/owner would be responsible for 50% of the cost of installing the municipal sidewalk on Aberdeen Avenue. We are prepared to forward these recommendations to Committee and Council. However the final method of financing must be approved by the City of Hamilton Transport and Environment Committee and Council.

6. We understand that the roadway engineering drawings for Studholme Drive have not been prepared to date. We recommend that these drawings be prepared and submitted as soon as possible since the final location of the curbline and the centreline elevation grades of the roadway are all critical in the final approval of the site, landscape and grading plans. We also require further details on the roadway pavement transition to the existing pavment in front of the City of Hamilton Public Works Yard. It appears that the proposed 20m transition is well below minimum standards.

7. According to our records, the proposed development includes the construction of a access and parking area and internal road over an existing sewer/drainage easement shown as Part 2 on Reference Plan 62R-6546 and the status of this easement, etc. should be determined.

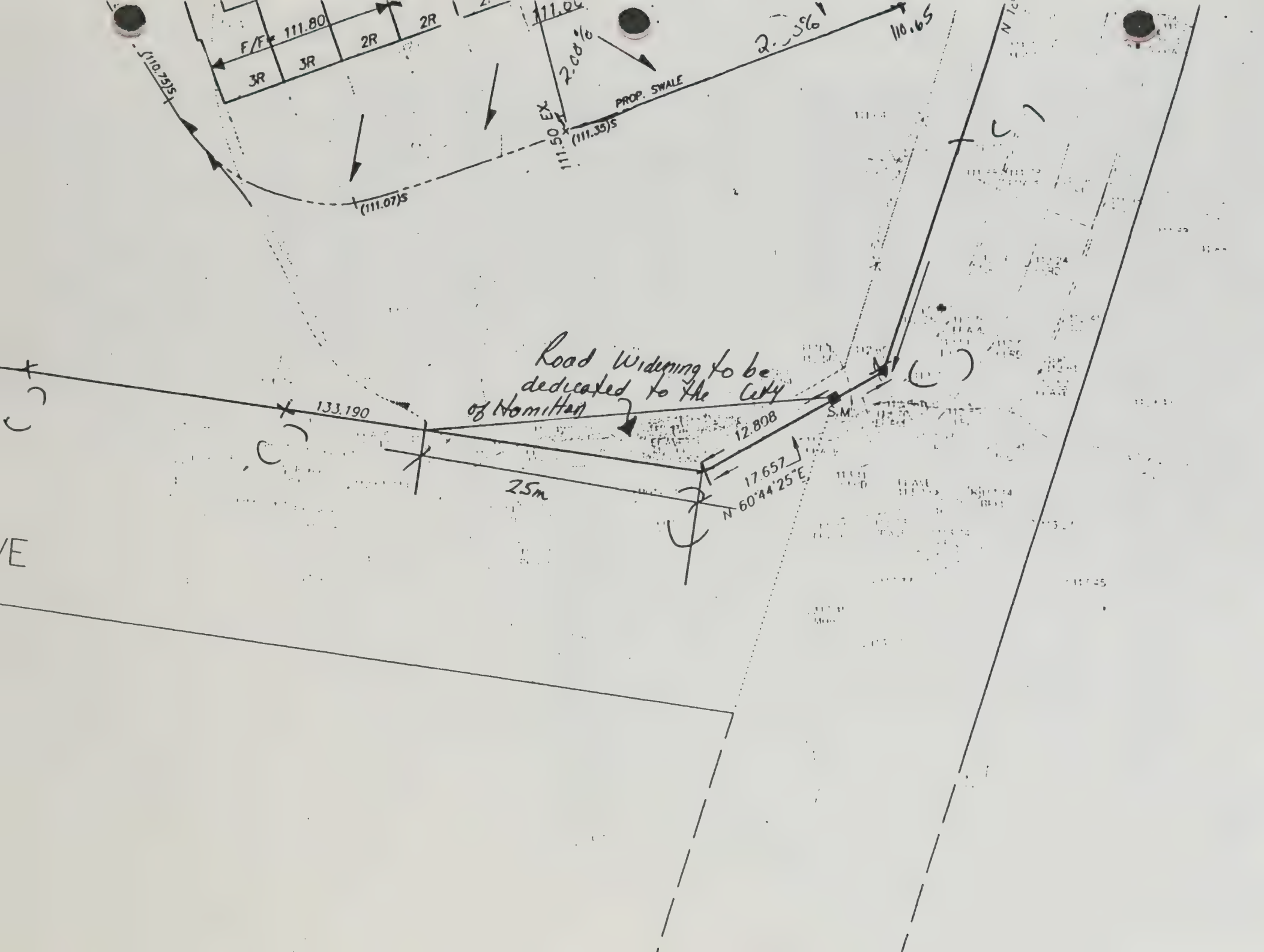
For the information of the applicant/owner, the majority of these comments were previously submitted to the City of Hamilton Planning and Development Department as part of our comments on the Official Plan Amendment dated October 16, 1997. (copy attached)

If there are any queries regarding the Roads Division comments, please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to the grading and drainage issues.

Eugene P. Chajka, P. Eng.
Manager, Development Engineering Section

DWW:HG:dww
attach.

X:\Subdivis\Doug\Hamilton\DA1998\DA9812.1ST


F/F
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3R
3R
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(110.75)S
(111.07)S
111.50 EX
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PROP. SWALE
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Road Widening to be dedicated to the City of Hamilton
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25m
12.808
17.657
N 60°44'25"E
S.M.

12a)

FPD

FOTHERGILL PLANNING & DEVELOPMENT INC.

5 JAMES STREET SOUTH, SUITE 1015 • HAMILTON, ONTARIO L8P 2Z6 • OFFICE: (905) 577-1077 • FAX (905) 546-0545

June 16, 1998

Ms. Tina Agnello
Secretary
Planning & Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ont. L8P 4Y5

Dear Ms. Agnello:

Re: Site Plan Application DA-98-13
100 Beddoe Drive

Please register me as a delegation at the upcoming meeting of the Planning and Development Committee scheduled for June 24 to consider site plan approval for the above property. If you have any questions, please do not hesitate to contact my office.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.

E.J. Fothergill, M.C.I.P., R.P.P.
President

EJF/sn

cc. Mike Millard

RECEIVED
JUN 19 1998

13.

CITY OF HAMILTON

- RECOMMENDATION

JUN 18 1998

DATE: 1998 June 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Designation of King Street West Business Improvement Area (B.I.A.).

RECOMMENDATION:

a) That a Business Improvement Area be designated on King Street West between Caroline Street and Queen Street as per Appendix 'A' in accordance with the Business Association's request attached as Appendix 'B'; and,

b) That the City Clerk's Department be authorized and directed to send out notices of the intention of Council to pass a by-law to designate King Street West from Caroline Street to Queen Street as a Business Improvement Area in accordance with Section 220 of the Municipal Act, R.S.O. 1990, c.M.45 as amended; and,

c) That the City Solicitor be directed to prepare a by-law designating a Business Improvement Area on King Street between Queen Street and Caroline Street as per Appendix 'A' in accordance with Section 220 of the Municipal Act.

Dlobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Section 220 of the Municipal Act dictates the necessary notification for designation of a Business Improvement Area.

There are no staffing or financial implications for the City of Hamilton.

BACKGROUND:

The Public Works and Traffic Department received a letter dated 1998 March 01 from the King Street West Business Association requesting that it be designated as a Business Improvement Area.

The King Street West Business Association has been meeting with the Department of Public Works and Traffic since late December 1997. The majority of property owners are also business operators in this area and are working very well together to address common issues. A total of 36 businesses and 1 vacancy are represented.

Section 220 of the Municipal Act dictates the appropriate circularization procedures and outlines who is responsible for the remittance of the B.I.A. levy.

DL:HM:hm
attchs.
P&DDesign.KSW

c.c. Catherine Sennett, Chairperson
King Street West Business Association

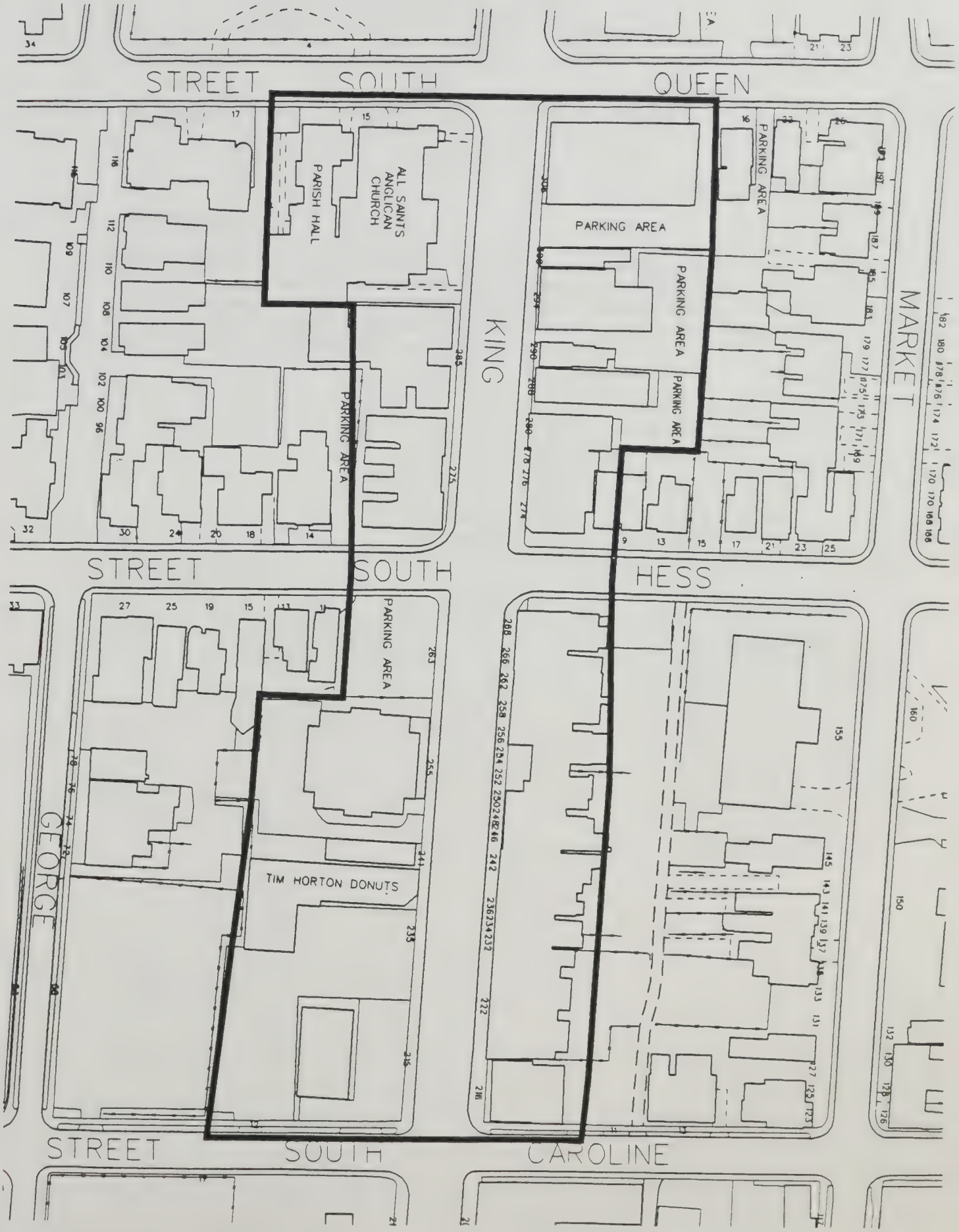
Alderman Andrea Horwath
Ward Two

Alderman Ron Corsini
Ward Two

Patrice Noé Johnson, City Solicitor
Law Department

Joe Schatz, City Clerk
City Clerk's Department

APPENDIX 'A'



KING ST. W. PROPOSED B.I.A.

SMALL TALK
CLOTHING CO
for kids

APPENDIX 'B'

300 KING STREET WEST, HAMILTON, ONTARIO L8P 1B1 (905) 523-0300

March 1st, 1998

Attention: **Jeanne Pacey,**

We the undersigned would like to formally request that King Street West between Caroline Street and Queen Street be designated as a Business Improvement Area to be called simply **King Street West.** This name will allow for the potential expantion of our area at any time in the future further west to Dundurn or east to Bay Streets. Please feel free to contact me with any questions or concerns.

Thank you,

Catherine Sennett,
Chairperson.

FILE No. 98 6025.
DEPT. PUBLIC WORKS
MAY 08 1998

	INFO ONLY/REPT REQD		
MA			
MSS			
MP	✓		
MCEM			
MES			
CCAS			
HGRT			
OENG			
PME	✓		
PDC			
SMM			
SSS			

J Pacey

Elected Board of Directors:

Chairperson:	Catherine Sennett Small Talk Clothing Co. 523-0300, fax 526-7270
Vice-Chair:	Mike Zaccaria Adrian Michael Hair Fashion 522-4247
Secretary/ Treasurer:	Trudy Parsons Keyin Tech 777-1332, fax 777-8711

cc: Hazel Milsome

P

14.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 June 24
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

(i) Minutes of the Special Meeting held 1998 May 14

(ii) Minutes of the Regular Meeting held 1998 May 20

(iii) Minutes of the Special Meeting held 1998 May 26

B. CITY SOLICITOR

Request for Validation Certificate "Randall Estates-Phase 6" Submission - 480, 486, 492, 498 and 504 Rexford Drive

C. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Tenth Annual Public Service Announcement

D. BUILDING COMMISSIONER

(i) 938-948 Burlington Street East - Authorization for Removal of Tires under the Dirty Backyard By-law

(ii) Hamilton Emergency Loan Program - 250 Fairfield Avenue North

(iii) 555 Sanatorium Road, Building 32 - Demolition

(iv) 555 Sanatorium Road, Building 33 - Demolition

(v) 111 Hughson Street South - Demolition

(vi) Commercial Property Improvement Loan Program (CPILP) - 448 Barton St East

E. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Proposed Draft Plan of Condominium by 822938 Ontario Inc., In Trust, (Bruno Megna) - 75 Glenburn Court, Riverdale West Neighbourhood.

(ii) City Initiative 96-D, Ontario Municipal Board Decision - Third Party/Billboard Sign By-law.

(iii) Tariffs of Planning Fees By-law.

(iv) "Timothy Survey - Phase 2",Hamilton, (Cash Payment in Lieu of 5% Parkland Dedication.

(v) Application to Remove Part-Lot Control for "Tiffany, Phase 1" Subdivision

(vi) Amended Resolution ZAC-98-08, 41 and 51 Wilson Street and 99 John Street North.

F. SECRETARY,PLANNING AND DEVELOPMENT COMMITTEE

(i) McMaster University, Intention to Designate Property
1280 Main Street West

(ii) 21 Kendale Court/CD-97-002 (previously tabled)
-Request from applicant to withdraw the application

(iii) Information Items

Thursday, 1998 May 14 A1)
7:00 o'clock p.m.
Council Chambers, City Hall

The Planning and Development Committee met.

There were present:	Alderman F. D'Amico, Chairperson Alderman G. Copps, Vice-Chairperson Alderman M. Caplan Alderman R. Corsini Alderman D. Haining Alderman B. Kelly Alderman F. Eisenberger
Regrets:	Mayor R. Morrow, Civic Business Alderman B. Charters, Civic Business
Also present:	Alderman A. Horwath Bill Janssen, Planning and Development Department Joanne Hickey-Evans, Planning and Development Department Art Zuidema, Law Department Tina Agnello, Secretary

Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

Joanne Hickey-Evans gave a brief presentation. She stated that the purpose of the Official Plan Amendment is to establish a benchmark by which to judge the impact of condo conversions to the rental housing stock. She stated that there are three criteria to be met:

1. That the vacancy rate should be at least 2% for the City and for the local market area.
2. That removal does not reduce the vacancy rate below 2%.
3. That the Canadian Mortgage & Housing Corporation requirements that were previously in effect were still met.

Ms. Hickey-Evans stated that the data used is from the Canadian Mortgage & Housing Corporation. Five zones are used - all zones are of similar size. A new Tenant Protection Act is expected to be proclaimed at the end of May, 1998. The new Tenant Protection Act does not deal with the impact and supply of rental housing stock, therefore the Municipality has the right to deal with condominium conversions.

The proposed Official Plan Amendment would be used to judge what the impact would be of the removal of rental housing accommodations on the rental housing stock. There are two areas in the City of Hamilton where the vacancy rate is less than 2% - the mountain and the west end. She stated that the Official Plan Amendment process is less onerous than the Rental Protection Act procedure in cases where the vacancy rate is less than 2%. It does not have to be registered on title and there are different circularization requirements to the tenants.

Mike Bryan, president of Hamilton-Halton Home Builders' Association located on Rymal Road, Hamilton, was present. He stated that he is disappointed that this has not gone through a liaison process. He stated that he is in a reactive mode and does not see anything in the proposed Official Plan Amendment that gauges the will of the people. In his opinion we

should allow free market to operate and dictate the demand for rental housing and for condominiums. He stated that if the industry is saddled with restrictions there will not be any rental units built. He also noted that the building industry is trying to get things moving in the downtown and that they encourage ownership. He continued by stating that conversions have resulted in carrying costs similar to rental rates. Since rental rates are low, people can now purchase a home instead of paying rent. He stated that he is not in favour of the proposal. He would have liked more notice. He stated that Mr. Abraham was very generous with his time regarding the Official Plan Amendment.

In conclusion, he stated that this type of Legislation works against allowing rental housing to be built.

In response to a question from Alderman Horwath, Mr. Bryan stated that Legislation that is difficult and onerous on landowners result in less rental housing being built. He also that the Rental Protection Act was difficult. It was a heavy-handed NDP policy.

Bruno Megna, of Megna Real Estate, was present. He stated that he has converted several buildings and that his experience has been very positive. He has changed dilapidated buildings into attractive condominiums. It has been a good situation - developers, neighbours and residents have all been happy with the process and with the outcome. He stated that he has concerns with CMHC rates being not correct. He stated that the vacancy rate on the mountain is more than 2% He stated that under his condominium conversions some residents are purchasing homes with zero down payment. These people have been very satisfied with this process and may not have otherwise been able to own a home. He suggested that restrictions on the finished product would be better than basing the decision of conversions on vacancy rates.

In response to a question from Alderman Caplan, Mr. Megna stated that the financial advantage to conversion is to increase the value of the property. There are structural changes, and in many cases could cost the tenants less. He also added that since the owner puts money into it, this ownership makes people more proud to live there and the units are better taken care of.

Alderman Caplan stated that there has been a concern that when the conversion occurs the condo fees are too low to properly take care of the properties.

Mr. Megna stated that an engineer is always hired for a structural audit and that from this audit there is an estimation of costs for maintenance.

Alderman Kelly stressed however that there is a segment of the community that chooses to rent and that therefore the Committee has a responsibility to let them make that choice. He questioned what assurances there would be for these people if the OPA was not in effect.

Mr. Megna replied that there has not been a flood of applications for conversions. There are plenty of apartments available in Hamilton at this time.

Alderman Kelly stressed a concern that there will be a slow depletion in the rental housing stock.

Joanne Hickey-Evans stated that within the past 1 1/2 years there has been approximately 6-10 conversions. In 1995 there were many more.

Alderman Copps stated that there are many people that would rather own than rent but that there is an obligation to those who would rather rent. She added that the recommendation

before the Committee is reasonable and under the Rental Housing Protection Act there have been many successful conversions.

Mr. Megna gave an example of people who bought their condominium with 0% down and are now selling a one-bedroom unit and buying a three-bedroom single family home.

In response to a question from Alderman Horwath, Mr. Megna stated that the CMHC develops vacancy rates by spot checking. He stated that from his experience there are many apartments for rent. He suggested that the Committee concentrate more on quality, that the approval should not be granted unless the owner is willing to spend the necessary money to upgrade.

Alderman Horwath stated that she does not understand how a 2% vacancy rate will affect the condo conversion.

Alderman Eisenberger stated that the regulation is formalizing the status quo and that he did not understand how the OPA would make any difference. Mr. Megna stated that this would be another stumbling block.

In response to a question from Alderman Eisenberger, Mr. Megna stated that some Cities require structural audits and that perhaps the City of Hamilton should do this.

Joanne Hickey-Evans stated that the City does not require structural audits at this time.

Bill Janssen added that some municipalities require structural audits and reserve analysis and that this can be made as part of the Official Plan Amendment.

Art Zuidema added that the OPA policy could be passed and that at a later time it can be amended or repealed.

In response to a question from Alderman Caplan, Mr. Megna stated that he would not mind a requirement that a structural audit be performed. He also added that if 2% vacancy rate from CMHC was a true figure, it would be a good indicator, but he does not believe it to be a true figure.

Joanne Hickey-Evans stated that the CMHC data has been used throughout the Province and also has been tested at the Ontario Municipal Board.

John Bruno, President of the Hamilton District Apartment Owners' Association, was present. He stated that they are the largest organization outside of the City of Toronto. With regard to the CMHC figures, he stated that the survey is done once a year in October. Hamilton has a high vacancy rate and is a City with a large student population. It is also unique in that it has a downtown area and a mountain area. He stated that his organization does a vacancy rate study three times per year. CMHC does not include duplexes, townhouses or condos that owner's rent out. He stated that the rates of vacancy in Hamilton is 4.1% and that there are approximately 600 units advertised in the Spectator each day. In many cases landlords are providing one month's free rent and in an environment where there is a low vacancy rate, this does not occur. He suggested that a 1% vacancy rate be used as a benchmark. He stated that his Association has met with the Ministry of Housing to voice their concerns since their figures are accurate within 1/80th of a percent.

In response to a question from Alderman Horwath, Mr. Bruno stated that the figures are not used by any municipality.

Jackie Gordon, Chairperson of the Social Housing and Access Committee was present. She stated that the OPA is a responsible step that the City is attempting to take. She stated that housing is a unique commodity and good planning is essential. Three groups must be considered - young people, seniors and low income. Seniors and low income people depend on rental housing the most, as such 2% vacancy rate is a good criteria and it has been used up to this point. In fact, it would be better for these groups concerned if the benchmark was set at a higher rate, such as 3%. She suggested that the vacancy rates be considered by category not area. For example, if a one-bedroom apartment is being converted at $320/month for rent, the vacancy rate should be determined for one-bedroom apartments at that price range, within that area. She stated that her organization supports the City continuing to act in the previous capacity and using the same criteria. Developers have informed the government that they cannot build affordable housing without subsidization, therefore the protection of every rental unit is important. She stated that this is a continuation of existing regulations and the City of Hamilton has been very supportive in maintaining rental housing.

In response to a question from Alderman Horwath, Joanne Hickey-Evans advised that the actual rent is compared to the average rent in the area as a criteria.

Christopher Rowe, owner of 1950 Main Street West was present. He said that he has owned the property since 1989 and that since then property values have decreased greatly. As such he is looking forward to converting the units to make it viable. Since he is in the Westdale area he was told by staff that it does not meet the criteria. At present he has 14 empty apartments of 89 available. He requested the Committee to use more reasonable figures than that of CMHC.

Mr. Bruno stated that due to cutbacks in the CMHC, many of the surveys are conducted by phone.

Alderman Caplan stated that if people disagree with CMHC's numbers, or they have other evidence that shows to the contrary, they can still make an application for an Official Plan Amendment.

Joanne Hickey-Evans advised that the Official Plan Amendment only applies to units of six or more and that duplexes and condos are not included.

Hugh Tye of the Hamilton Mountain Legal Clinic, 550 Fennel Avenue East, Suite 215, was present. He said he was present to speak in favour of the staff position and that the status quo should be maintained. He continued by stating that conversions have occurred using this criteria and they have been successful. He suggested that 3% may be a more appropriate vacancy rate to be used. He concurred with Jackie Gordon by stating that the rate should apply to levels of rent and not just to geographic areas. He stated that it is vital for the City to provide decent affordable housing for people in low income brackets. The City is attempting to fill in a void created by the deletion of the RHPA. The new proposed legislation, if taken alone, will result in the erosion of rental housing stock. Neither the City or the Province is building any affordable units and this lack of affordable units will not be filled by private markets. He endorses Mr. Megna's suggestion that structural audits be included as a requirement of conversion. He also stated that private ownership is not necessary to have good quality of rental units.

Alderman Eisenberger stated that if the existing housing stock is protected they may become derelict buildings. Given that subsidies are gone, he questioned how housing stock will be protected.

Mr. Tye suggested that other levels of government should be encouraged to put the infrastructure in place to allow the building of rental housing stock.

Alderman Caplan stated that perhaps we can allow for some flexibility but the overall vacancy rate for Hamilton should be 4% and 2% for the area.

Mr. Tye continued by stating that the rate should be considered for the whole City as well as the area. It is not preferable to create ghettos and he added that people should be given a maximum choice in where to live.

Anthony DiCenzo, 1070 Stone Church Road East, Unit 41 (DiCenzo and Associates) was present on behalf of the Hamilton-Halton Homebuilders' Association, George Sinclair Construction Inc., DiCenzo Construction Co. Ltd. and Omnicon Investments Inc. and Kendale (11-21) Inc. He said this Official Plan Amendment is not the best way, it is the old way. He stated that consideration should be given whether the OPA is ultravites. Oakville is reconsidering its policy in light of Provincial legislation. He alluded to a letter from Gary Wilson, Regional Environment Department, that the use of historic data may not be acceptable.

Mr. DiCenzo stated that under the new Tenant Protection Act tenants are given security of tenure for as long as they want. They also have the first right of refusal. He explained that conversions provide affordable owned units versus rented units.

Mr. DiCenzo stated that if the Committee wants to get rid of derelict buildings, this is the way to do so. He also stated that the Provincial legislation should be the final word and that we should not rely on CMHC figures. He suggested that landlords will exaggerate the rate of tenancy due to their mortgages. He continued by explaining that affordable housing should be protected throughout the City, not in sub-sections of the City. He advised that he would be happy to meet with staff regarding any changes in wording.

With regard to the structural review, Mr. DiCenzo advised that most mortgage lenders require it as a condition of mortgage. In response to a question from Alderman Caplan, Mr. DiCenzo stated that he advocates free enterprise.

Alderman Copps stated that the purpose of the exercise is not to get rid of derelict buildings. She stated that some buildings are in better condition than others and that not everyone has a great deal of money to afford high rental apartments.

Mr. DiCenzo clarified that every landlord does not have a lot of money and that every landlord does not want to run a slum.

In response to a question from the Chairperson, Mr. DiCenzo advised that a structural audit can be part of the due diligence process.

Alderman Horwath questioned the Oakville situation. Joanne Hickey-Evans responded that the City of Toronto is drafting new policies in light of the amalgamation, Ottawa-Carlton has drafted some new policies in 1998 and that many municipalities have changed their Official Plan polices from 1990-1998 to reflect rental housing and condo conversions.

Mr. DiCenzo questioned how many cities which were canvassed had taken sub-markets into consideration.

In response to a question from Alderman Haining, Mr. DiCenzo stated that CMHC does not have an accurate depiction of vacancy rates in any municipality.

Alderman Haining felt that the City of Hamilton already allows a good rate of 2% because most municipalities have between 3% and 5% as their criteria.

Karen Gillespie, Chairperson of the Tenants Association, 18 West Avenue South, and resident of 85 Barlake Avenue, was present. She stated that there are many people who cannot afford high rents. Decent affordable housing is difficult to find. Many people who are in low income brackets cannot purchase their own home or pay for any repairs. She concurred that the idea of an audit is good for both vendors and purchasers. She suggested that if new rental units are to be built the federal government must be lobbied. In her case, her landlord has a five-page waiting list. There are 14 apartment buildings in the area in which she lives. She asked the Committee to look at the future of Hamilton and take into consideration immigrants, seniors and those on fixed income.

Alderman D'Amico stated that there has been some concern with the notification of the meeting. Art Zuidema stated that the Committee can determine that the notice has been properly dealt with and proceed or the Committee can use an abundance of caution and advertise again and have another public meeting.

Mr. Zuidema advised that originally, the meeting had been given proper notice and was tabled. As a courtesy the Planning and Development Department sent out additional notice in the newspapers. He stated that the question is, is the Committee required to give statutory notice every time a public meeting is held.

Alderman Eisenberger noted that no rental housing has been built in 15-20 years. He also explained that aversion to ownership is not necessarily an evil thing. He felt that the Windsor approach is a fair approach.

Alderman Caplan explained that the low-income tenants must be protected. He agreed that some type of control is needed, but requested more information with regard to vacancy rates.

In response to a question from Alderman Caplan, Art Zuidema stated that the Committee can pass a policy which can be later amended.

The Committee concurred and agreed that re-circularization for a meeting at the end of June be conducted.

Alderman Horwath stated that she feels comfortable with the notice which has been given. She added that all rental housing has been built with some type of subsidy. It has never been a lucrative venture therefore the policy which the Committee is attempting to put into place should have no effect on the new building of rental housing stock. She felt that the staff report is not onerous or favourable to any party and that they have done a good job. She stated that she will support the recommendation if forwarded to Council.

The Chairperson explained that he has received three pieces of correspondence:

1. Social Planning and Research Council - Don Jaffrey
2. Ulisa Nangowsa, Tenant
3. Letter from a constituent.

Alderman Haining concurred with Alderman Horwath that the period of notice was adequate for the meeting.

Alderman Caplan moved a friendly amendment to adopt the recommendation as policy.

Alderman Kelly stated that the issue is rental housing. He felt that people have done well with conversions under the restrictions which are in place. Two per cent is a very reasonable guideline in this respect. Most municipalities use higher rates. CMHC figures are flawed, but they are the general accepted principle. One suggestion is to petition the federal government in order to get reliable figures. He stated that whatever Committee decision is made, it will be forwarded to Council and there may be new information between approval at Committee and at Council. The Committee must make a decision based on the information before it.

The Committee moved to adopt the recommendation presented as a policy.

The Committee moved to approve the recommendation of the Director of Planning and Development dated 1998 May 7 as amended as follows:

That the following be adopted as policy:

That the proposed Official Plan Amendment to establish policies and to introduce a new Schedule for the protection of the rental housing stock be adopted as policy, on the following basis:

(a) That a new Schedule "K" - Local Market Housing Zones be added to the Official Plan; and,

(b) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;

iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,

ii) the criteria as set out in Policy C.7.11.

C.7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).

ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:

a) Downtown/Central Hamilton
b) Central East Hamilton
c) East Hamilton
d) West Hamilton
e) Hamilton Mountain"

2. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Alderman F. D'Amico, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Wednesday, 1998 May 20 A(ii)
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman F. D'Amico, Chairperson Alderman G. Copps, Vice-Chairperson Alderman M. Caplan Alderman R. Corsini Alderman D. Haining Alderman B. Charters Alderman B. Kelly Alderman F. Eisenberger
Regrets:	Mayor R. Morrow, Civic Business
Also present:	Alderman M. Kiss Alderman A. Horwath Alderman D. O'Sullivan Joe Pavelka, Chief Administrative Officer Victor Abraham, Director of Planning and Development Department Paul Mallard, Planning and Development Department Bill Janssen, Planning and Development Department Mary Lou Tanner, Planning and Development Department Nina Chapple, Planning and Development Department Dave Powers, Law Office Eugene Chajka, Regional Environment Department Kevin Nutley, City Clerk's Office, Real Estate Div. Ed Switenky, Building Department Willy Wong, Building Department Hazel Milsome, Public Works and Traffic Department Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. **Zoning Application 98-12, by Horvat Properties, Owner, for a Change in Zoning from "A" District to "C" District for Lands Located East of Greenhill Avenue, West of Webster Road and North of the Existing Railway Line on the Nash Orchards Heights South Draft Approved Plan of Subdivision.**

   Paul Mallard gave a brief description of the application. Of five notices sent, one replied in favour and there were no other comments.

   Mrs. Merlo, 270 Hickson Road, Hamilton, was present.

   Alderman Eisenberger stated that he is comfortable with the recommendation.

   Alderman Copps was satisfied that there is a reconfiguration so that there won't be any blind spots.

As recommended by the Director of Planning and Development in a report dated 1998 May 13, the Committee recommended to Council as follows:

(a) That approval be given to Amended Zoning Application ZAC-98-12, Horvat Properties, owner, for a change in zoning from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "2") for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line in the Nash Orchards Heights South draft approved plan of subdivision, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That Block "1" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District; and,

(ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District; and,

(iii) That the Director of Planning and Development be directed to prepare a By-law to the satisfaction of the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(v) That, upon finalization of the implementing zoning By-law, the Gershome Neighbourhood Plan be amended as follows:

(1) that Block "1" be redesignated from "Park and Open Space" to "Single and Double Residential"; and,

(2) that Block "2" be redesignated from "Single and Double Residential" to "Park and Open Space".

2. REFERRAL FROM COUNCIL

Petition from the Southam Park Neighbourhood Residents Re: Committee of Adjustment Decision on 9 Barker Avenue, Mrs. K. Marshall

Sergio Manchia was present on behalf of Mrs. Marshall.

Alderman O'Sullivan stated that the Committee should forward a copy of the petition to the Ontario Municipal Board. He requested that staff from the Planning and Development Department attend the Ontario Municipal Board to be in support of the residents and their petition.

Paul Mallard explained that the normal procedure when staff is hostile is that they are subpoenaed to appear.

The Committee resolved that the petition be received and forwarded to the Ontario Municipal Board.

3. ALDERMAN CAPLAN

Backyard Parking

The Committee deferred this matter to later in the meeting.

4. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1998 May 6 were approved as circulated.

The following recommendations were forwarded to Council for approval:

B. BUILDING COMMISSIONER

(i) **Barton Revitalization Proposed Promotional Reception, dated 1998 May 12:**

(a) That the remainder of the 1998 Festival Allocation be approved towards the Barton Village BIA Post-Promotional Reception Follow-up Budget, attached hereto as Appendix "B", as part of the Festival component of the Barton Street Revitalization Program; and,

(b) That the City Treasurer be authorized and directed to forward $2,989.79 to the Barton Village BIA.

(ii) **Commercial Property Improvement Loan - 536 Concession Street, dated 1998 May 11:**

That a loan increase of eight thousand, nine hundred and eighty-six dollars ($8,986) to Patricia Woolcott for improvements to 536 Concession Street be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $21,318. The interest rate is set at 3.25 per cent, amortized over ten years.

Prior to approval, Alderman Copps stated her concern over the loan being increased from $9,000 to $21,000 and also that the interest rate is 3.25%.

*** Alderman Copps opposed.**

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) **Zoning Application 98-17 for Removal of the "H" Holding Provision - 21 Brantdale Avenue, dated 1998 May 7:**

(a) That approval be given to Zoning Application ZAR-98-17, 1186559 Ontario Inc. (Hai Chaw Wah), owner, requesting removal of the 'H' - Holding provision under Section 36(1) of the Planning Act, R.S.O., 1990, to permit the development of the subject lands for ten (10) single family dwellings, for property located at 21 Brantdale Avenue, as shown on the attached map marked as Appendix "C"; and,

(b) That the appropriate By-law prepared by the Director of Planning, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 as amended by By-law No. 98-61, and Zoning District Map W-7, be forwarded to Council for adoption.

(ii) **Proposed Draft Plan of Condominium by 1167829 Ontario Limited - 141 Catherine Street South, Corktown Neighbourhood, dated 1998 May 7:**

(a) That approval be granted to application CDM-CONV-98-002 submitted by 1167829 Ontario Limited (D. Vranich), owner, for a draft plan of condominium for property located at No. 141 Catherine Street South, as shown on the attached map marked as Appendix "D", to provide for a condominium apartment building comprised of a 58 apartment units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated December 3, 1997, attached hereto as Appendix "E", prepared by R. Avis Surveying Inc., O.L.S.; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan,

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and,

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(3) the closed approach shall be removed and the sidewalk and the boulevard shall be restored to the satisfaction of the Director of Public Works and Traffic; and,

(iv) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(v) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required; and,

(b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,

(c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

(iii) Proposed Draft Plan Condominium 98-03, "Summerhill at Sandrina Gardens" by DiCenzo Construction Company Limited, Owner for Lands Municipally Known as 10 Cadham Boulevard and 10 Beaverbrook Avenue, dated 1998 May 12:

(a) That approval be given to Condominium Application 98-03 "Summerhill at Sandrina Gardens" (Regional File 25CDM-98004), DiCenzo Construction Company Limited, owner, to establish a draft plan of condominium, located at the south-east intersection of Upper Gage Avenue and Cadham Boulevard and known municipally as 10 Cadham Boulevard and 10 Beaverbrook Avenue, as shown on Appendix "F", subject to the following conditions:

(i) That this approval apply to the plan prepared by A.T. McLaren Ltd. and certified by S.D. McLaren, O.L.S., dated November 6, 1997, showing a total of 42 residential townhouse units; and,

(ii) That the final plan of condominium comply, in all respects, with the approved Site Plan (DA-97-06); and,

(iii) That the applicant satisfy all conditions of site plan approval applicable to the subject lands to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium; and,

(iv) That the final plan conform with the applicable provisions of the City of Hamilton Zoning By-law No. 6593; and,

(v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act; and,

(vi) That the Owner request and receive approval from the Region of Hamilton-Wentworth to delete the subject lands from the draft approved plan of subdivision "Sandrina Gardens" (Regional File No. 25T-93010); and,

(vii) That the following warning clause be registered on title for Units 9 - 14 inclusive and Units 17 - 22 inclusive, to the satisfaction of the Director, Planning and Development and the City Solicitor:

"Purchasers are advised that access to the rear amenity area is provided through the living area of the unit."; and,

(viii) That the following warning clause be registered on title for all units within the development, to the satisfaction of the Director, Planning and Development and the City Solicitor:

"Purchasers are advised that on-site garbage pick up by the City of Hamilton will not be available for this site."; and,

(ix) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,

(x) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

Prior to voting on the motion, a brief discussion ensued. Alderman Copps was concerned that the 42 townhouses are being built but there is no storage or proviso for garbage disposal.

Serge Mancia, as agent, stated that the developers do not agree, but understand the City's liabilities concerns.

Paul Mallard advised that garbage trucks cannot come in on the property and turn around and leave.

Ed Switenky stated that it will be registered on title so that the homeowners are aware of what the garbage disposal is. He explained that if people bring their garbage out to the curb it will be picked up.

Alderman Charters stated that he is comfortable with the recommendation since people will be able to take their garbage to the curb and this does not pose a problem.

*** Aldermen Copps and Haining recorded as opposed.**

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

The Committee received for information purposes the following pieces of correspondence:

(a) Secretary, LACAC re: Minutes of the Meeting Held 1998 April 6, dated 1998 May 11

(b) Director of Planning and Development re: Site Plans for Approval, dated 1998 May 12.

5. PRIVATE AND CONFIDENTIAL AGENDA

A. The Committee moved into closed session to discuss property matters and reconvened immediately thereafter with the following report:

(a) That the Gourley Neighbourhood Plan showing the continuation of Appleblossom Drive, be reconfirmed; and,

(b) That the City confirms its requirement for the land shown on the Gourley Neighbourhood Plan as the extension of Appleblossom Drive, for municipal road purposes; and,

(c) That the City Clerk, Real Estate Division be authorized to negotiate a transfer of the road allowance from the School Board to the City of Hamilton for $1.00 in exchange for the City of Hamilton paying the Board's portion of the servicing costs of the roadway and that the School Board be given driveway access where it is required; and,

(d) That the Board of Education be requested to address this matter at its June, 1998 meeting.

B. The Committee also moved that the matter of Bellevue be referred to the Committee of the Whole.

6. OTHER BUSINESS

(a) ZA-97-33 - N. & R. Clarizio, 852 Upper Wentworth Street - Previously Tabled

Alderman Kelly advised that the house has been renovated. He has met with the owners and neighbours. No one that he spoke to is opposed to the proposal. He supports the applicant's proposal to allow rezoning on both floors.

Prior to voting on the motion, there was an amendment put forward that there be no access from the commercial property to Fieldway. The amendment was carried.

Following discussion the Committee resolved to forward to Council the following resolution:

(a) That approval be given to Official Plan Amendment No. 150, to delete and replace S.P.A. 68 with a new S.P.A. 68, to permit only limited commercial uses within the existing building, on lands known municipally as 852 Upper Wentworth Street, as shown on the attached map marked as Appendix "G", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Zoning Application ZAR-97-33, Nicola and Rosalba Clarizio, owners, for a further modification to the "C" (Urban Protected Residential, etc.) District to permit general office space and a showroom on the second floor of the existing building, for lands located at 852 Upper Wentworth Street, as shown on the attached map marked as Appendix "G", on the following basis:

(i) That the "C" (Urban Protected Residential, etc.) District, as contained in Section 9 of Zoning By-law No. 6593, as modified by By-laws No. 95-111 and 97-153, applicable to the subject lands, be further modified to include the following:

(1) delete Clauses (i) and (ii) of Section 2(a) of By-law No. 95-111, and replace with a new Clause (i) as follows:

"(i) general offices and a kitchen cabinet showroom on the first and second floor and having a maximum total gross floor area of not more than 288 m^2 (3100 square feet); and,;"

(2) renumber the existing Clause (iii) of Section 2(a) to Clause (ii); and,

(3) add a new Section 2(d):

"(d) access to the subject lands shall only be provided from Upper Wentworth Street."; and,

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S-1336b, and that the subject lands on Zoning District Map E-18 be notated S-1336b; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18; and,

(iv) The proposed further modification in zoning will be in conformity with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. 150 by the Regional Municipality of Hamilton-Wentworth.

(b) Alderman Caplan - Backyard Parking (Deferred as Item 3)

Alderman Caplan requested and the Committee concurred to request staff to bring back a recommendation on whether or not we should further restrict parking in backyards.

7. ADJOURNMENT

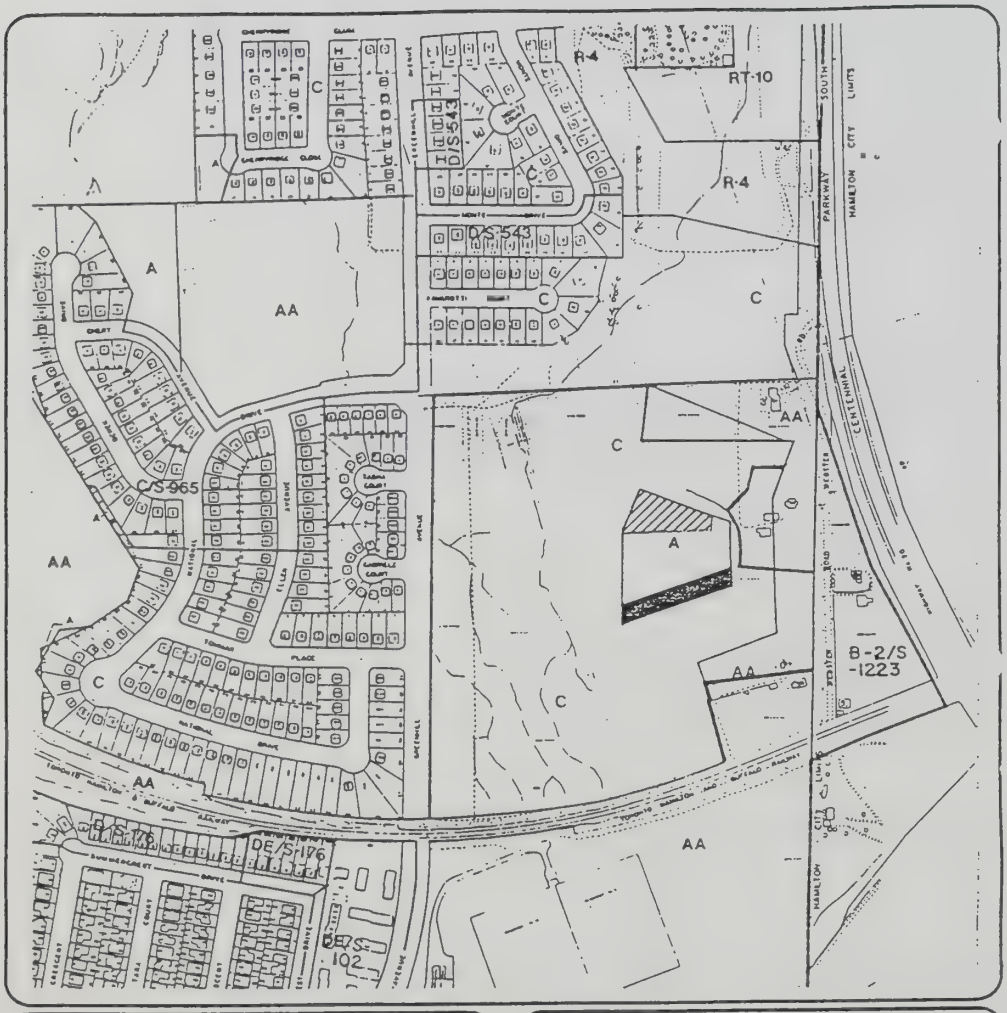
There being no further business, the Committee meeting adjourned.

Alderman F. D'Amico, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in
Section 1(a) of the Planning and
Development Committee Minutes
dated 1998 May 20



Legend

Change in Zoning:

BLOCK 1 — from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District;

BLOCK 2 — from "C" (Urban Protected Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District;

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File number
	NOT TO SCALE	ZAC-98-12
	Date	Drawn By
	MAY 1998	D.L

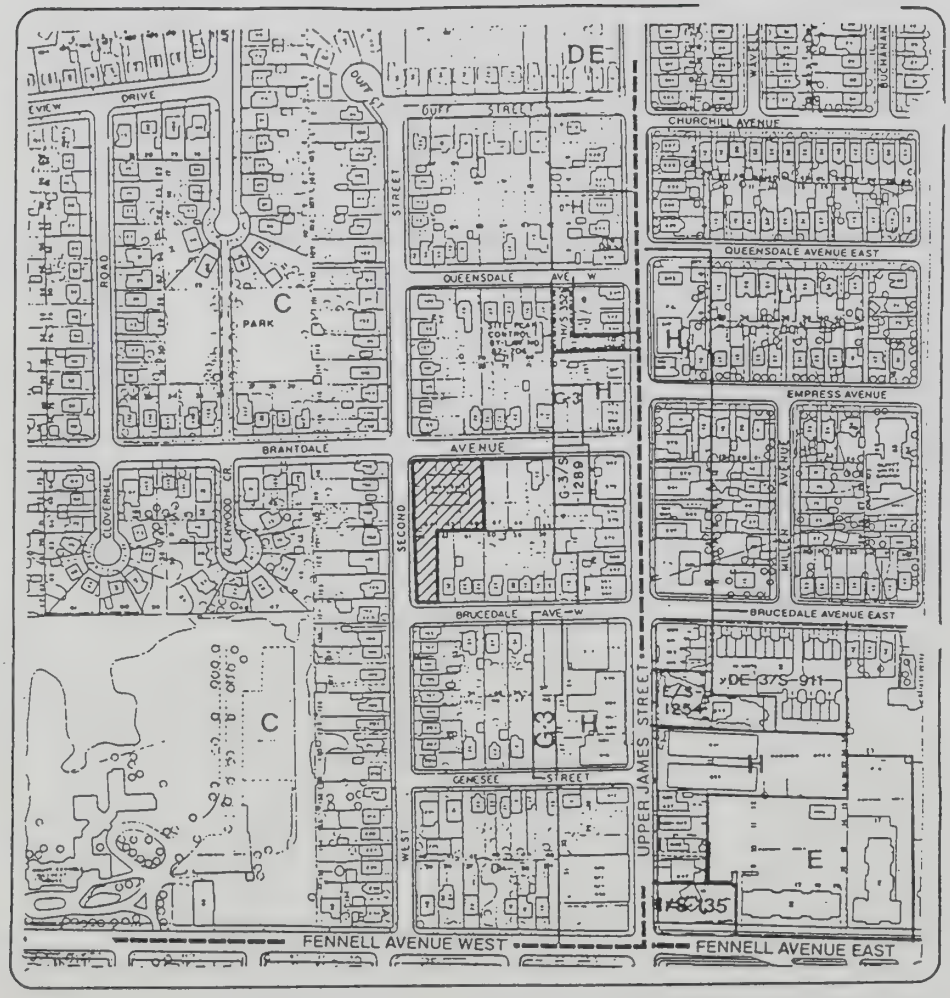
Appendix "B" as referred to in
Section 4B(i)(a) of the Planning
and Development Committee Minutes
dated 1998 May 20

Barton Village BIA Post Promotional Reception Follow-up

1998 June

Banquet Hall/Food/Refreshments		$ 450
Folders and Inserts		$1,100
Invitations and Postage		$1,100
Miscellaneous Office Supplies		$ 100
	Sub-total	$2,750
	10% Contingency	$ 415
	TOTAL	$3,165

Appendix "C" as referred to in
Section 4C(i)(a) of the Planning
and Development Committee Minutes
dated 1998 May 20



City of Hamilton
Location Plan For

Location Map

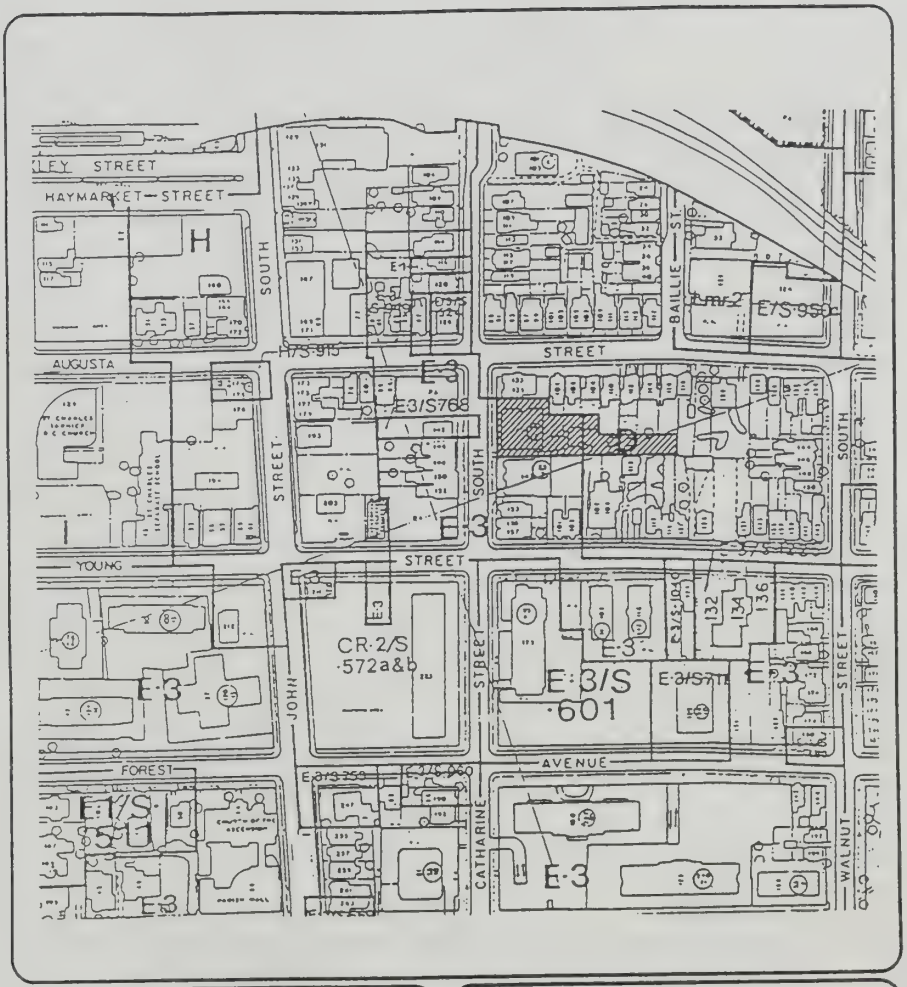
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File number
	Not to Scale	ZAR-98-17
	Date	Drawn By
	May 1998	D. L.

Appendix "D" as referred to in
Section 4X(ii)(a) of the Planning and
Development Committee Minutes
dated 1998 May 20



City of Hamilton

Location Plan For

141 Catharine St. S.

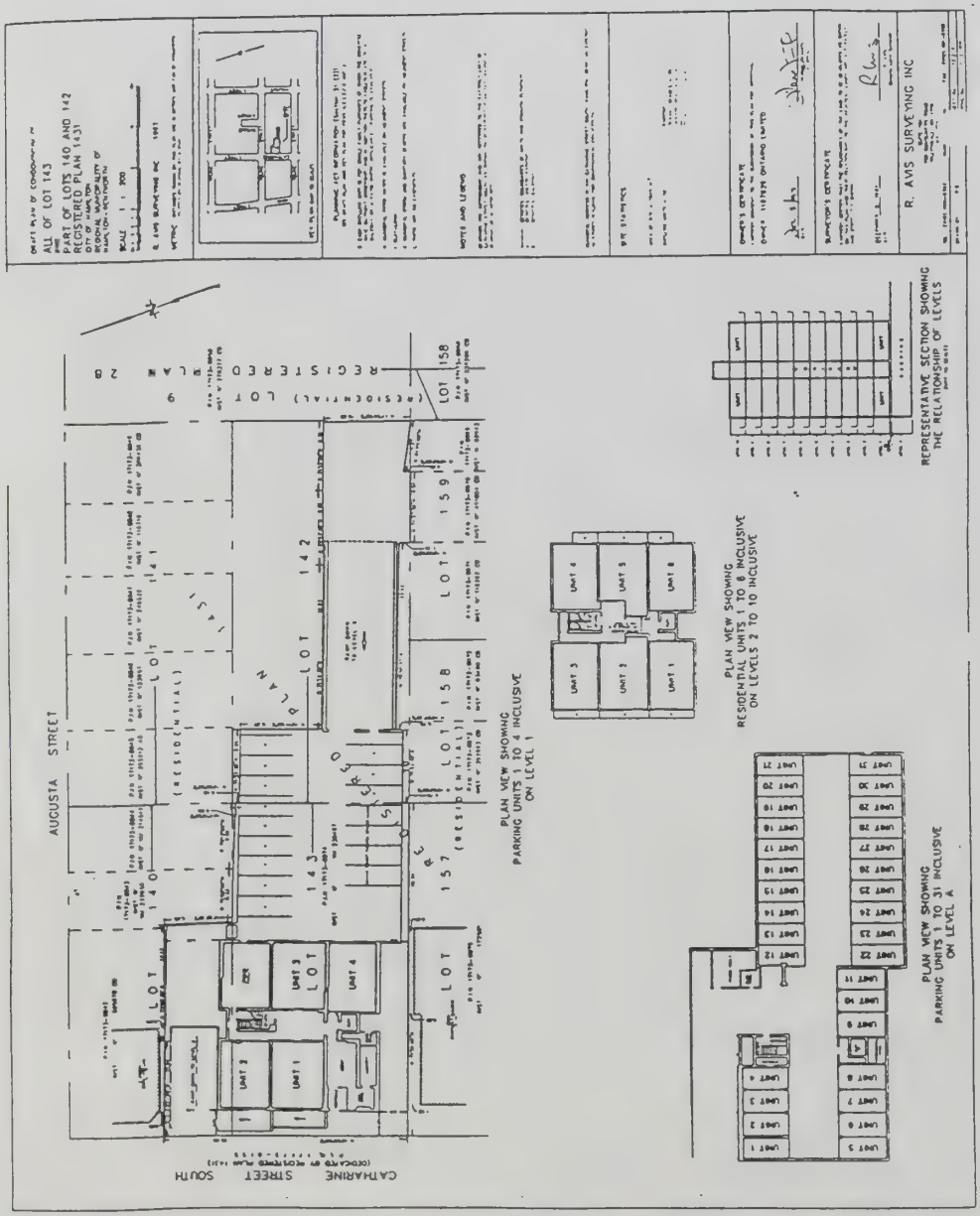
Planning and Development Department

Legend

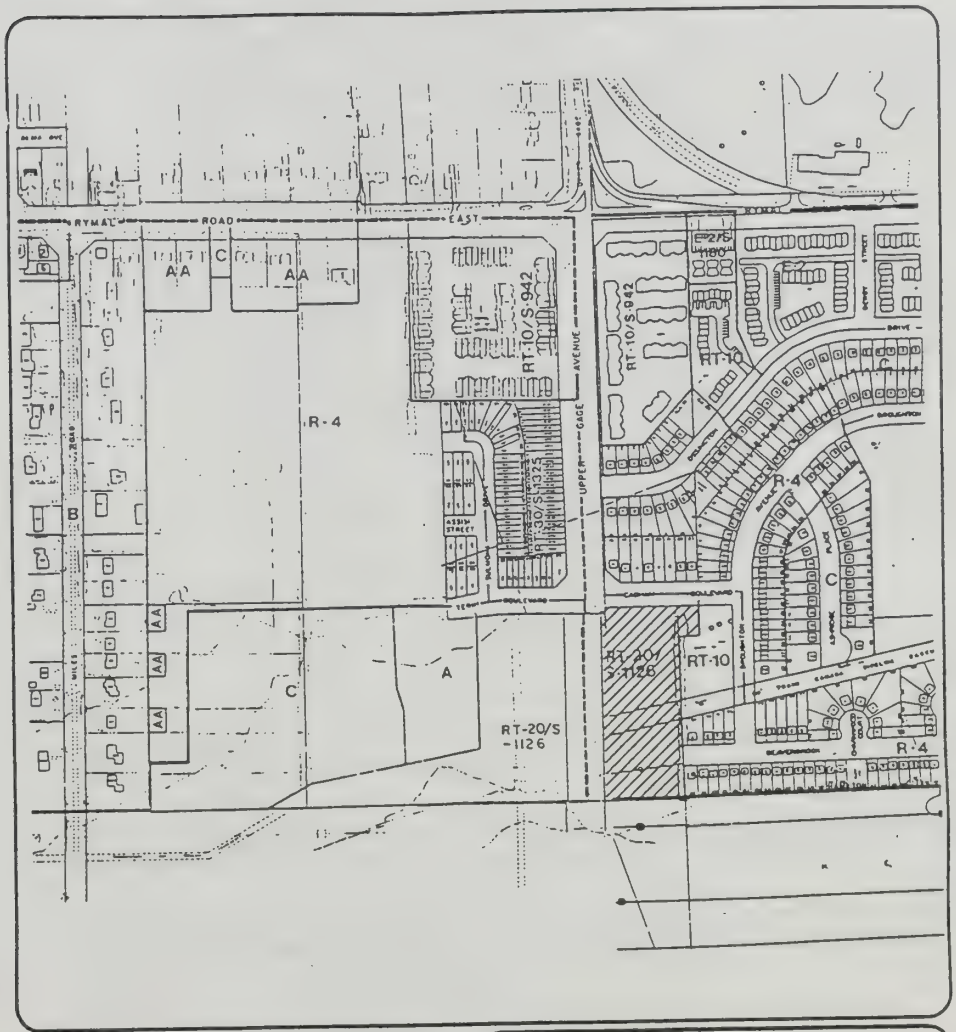
Location of Subject Lands

North	Scale	Reference File No
	Not to Scale	CDM -CONV-98-002
	Date	Drawn By
	May 1998	FAB

Appendix "E" as referred to in
Section 4 (ii)(a)(i) of the Planning
and Development Committee Minutes
dated 1998 May 20



Appendix "F" as referred to in
Section 4C(iii)(a) of the Planning
and Development Committee Minutes
dated 1998 May 20



City of Hamilton

Location Plan For

10 Cadham Blvd. and 10 Beaverbrook Ave.

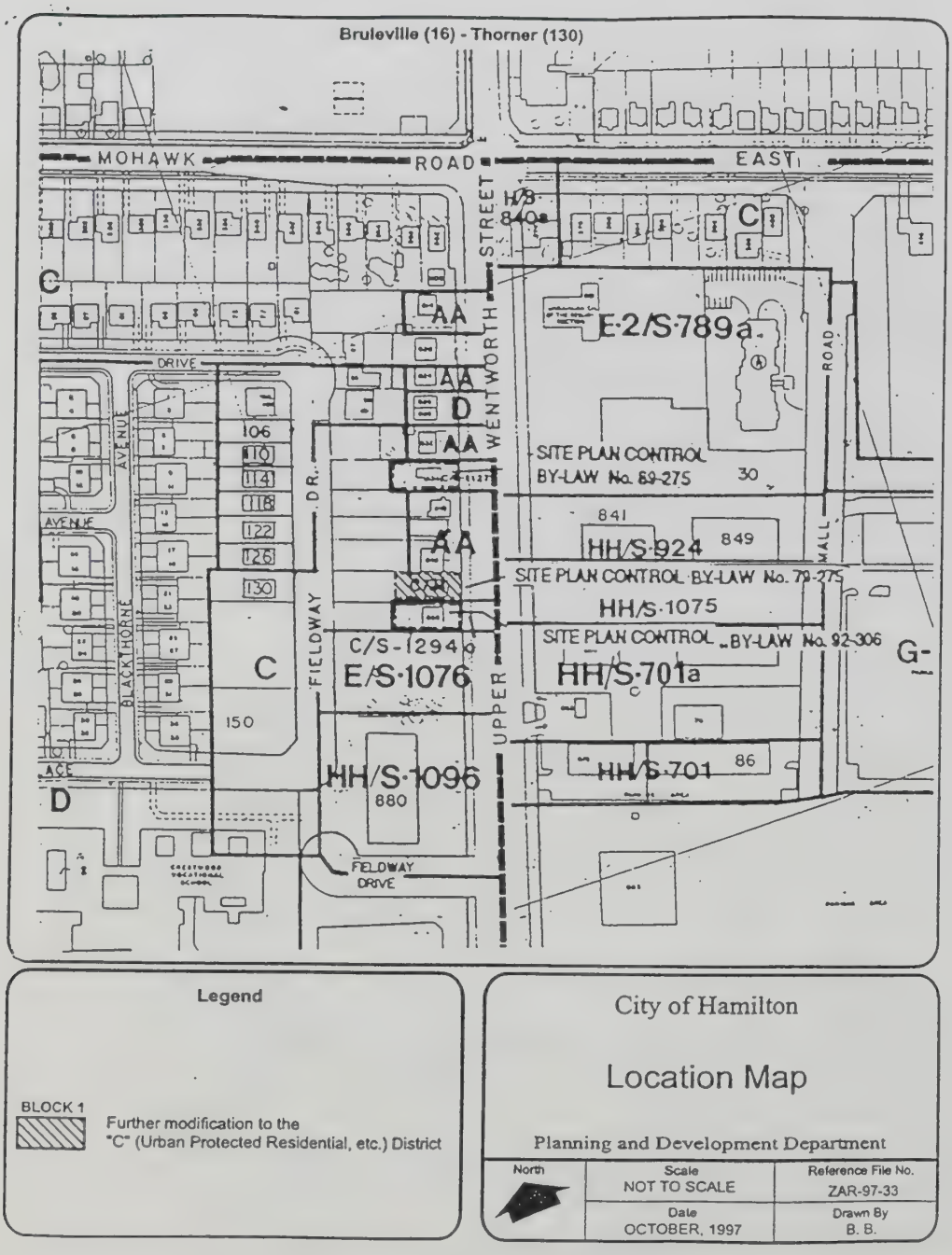
Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM -98-003
	Date	Drawn By
	May 1998	FAB

Appendix "G" as referred to in
Section 6(a)(a) of the Planning and
Development Committee Minutes
dated 1998 May 20



Legend

BLOCK 1 — Further modification to the "C" (Urban Protected Residential, etc.) District

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-97-33
	Date	Drawn By
	OCTOBER, 1997	B. B.

Tuesday, 1998 May 26th
6:30 o'clock p.m.
Room 233, City Hall

A Special meeting of the Planning and Development Committee was held.

There were present: Alderman F. D'Amico, Chairman
Alderman M. Caplan
Alderman R. Corsini
Alderman B. Kelly
Alderman F. Eisenberger
Alderman B. Charters
Alderman D. Haining

Regrets: Alderman G. Copps, Vice-Chairman
Mayor Robert M. Morrow

Also present: Alderman A. Horwath
Alderman C. Collins
Alderman M. Kiss
Alderman T. Anderson
Alderman B. Morelli
Alderman D. Wilson
T. Whitehead, Mayor's Office
J. Pavelka, Chief Administrative Officer
W. Plessel, Public Works and Traffic
C. Firth-Egland, Public Works and Traffic
V. Abraham, Director of Planning
M. Watson, Real Estate, City Clerk's Office
D. Lobo, Commissioner of Public Works and Traffic
A. Ross, Treasurer
P. Noe Johnson, City Solicitor
Susan K. Reeder, Acting Secretary

A G E N D A

1. **CHIEF ADMINISTRATIVE OFFICER**

Ferguson Avenue Master Plan - Funding for the Implementation of the Section between King William Street and King Street East

The Committee was in receipt of a report from the Chief Administrative Officer dated 1998 May 26th respecting the above noted matter.

Considerable discussion ensued and the Committee approved the following:

(a) That the Region be authorized to act as the City of Hamilton's agent by providing construction and contract administration services for the construction of the roadway/sidewalk/concrete/electrical components of the Ferguson Avenue Master Plan between King William Street and King Street East; and,

(b) That a purchase order be issued to the Region in the amount of $668,000 to cover the cost of providing these services; and,

(c) That $298,000 of the costs associated with these works be charged to Account Number CF 5200 529842010 (City's 1998 Road and Sidewalk Reconstruction) and $370,000 be charged to Account Number CF 409755037 (Downtown Phase Ferguson Avenue Master Plan); and,

(d) That the staff review the Street Enhancements not included in the Dufferin Tender (excluding lighting poles at a cost of $100,000 which should proceed with the Dufferin Contract) budget for an amount of $300,000 to determine how these enhancements may be modified realizing that the total project costs have substantially (approximately $600,000 plus expropriation costs) increased; and,

(e) That staff return to the Planning and Development Committee with a cost benefit analysis of the two alternatives between King Street and Main Street, after input through the Expropriation Procedures and discussions with the owners of the properties adjacent to the former railway right-of-way.

2. **ADJOURNMENT**

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN F. D'AMICO, CHAIRMAN,
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder

Susan K. Reeder
Acting Secretary
1998 May 26th

B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson, City Solicitor
City Law Department

SUBJECT: Request for Validation Certificate
"Randall Estates - Phase 6" Subdivision
480, 486, 492, 498 and 504 Rexford Drive

RECOMMENDATION:

That the City Solicitor be directed to prepare a certificate of validation pursuant to the *Planning Act* for Blocks 10, 11, 12, 13 and 14, Plan 62M-657 AND Part of Lots 3, 4, and 5, Registered Plan 1059 designated as Parts 5, 6, 7, 8, 9 and 10 on Reference Plan 62R-10203.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND:
A request has been received from Turkstra, Mazza, Solicitors for Niagara Custom Built Homes Ltd. for a certificate of validation pursuant to the *Planning Act*.

Under the provisions of the Subdivision Agreement for "Randall Estates - Phase 6" and the provisions of the "R-4" District, the subdivider was required to establish maintenance easements for those lots developed with zero lot line houses. While a number of by-laws to suspend part lot control were passed by the City with respect to this plan of subdivision, a number of transactions occurred beyond the effective period of the respective part lot control exempting by-laws.

A certificate of validation is a correcting measure available to municipalities where land transactions have taken place in the absence of appropriate consent approvals or, as in the case of this matter, where transactions took place at a time when by-laws exempting part lot control were no longer in effect.

The *Planning Act* provides that no certificate of validation can be issued by a council unless the land described in the certificate conforms with the prescribed criteria. Representatives of both the Planning Department and the Law Department are in agreement that the lands proposed to be subject to the certificate of validation conform with the prescribed criteria.

The lands for which a certificate of validation is sought include the following municipal addresses; 480, 486, 492, 498 and 504 Rexford Drive.

C.

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 2 1998

DATE: 1998 June 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

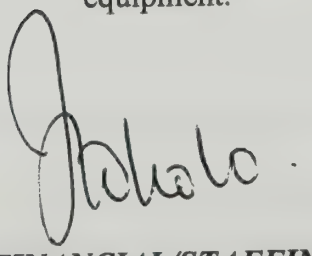
SUBJECT: Tenth Annual Public Service Announcement.

RECOMMENDATION:

a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Tenth Annual Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton clean.

First Prize: Troy Hacock
Second Prize: Jaimie Thomas
Third Prize: Jaimie Harris

b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at $700, second prize at $500, and third prize at $300 and a donation to Mohawk College Media Studies Department of $1000 for development of the videos and use of equipment.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of the Downtown Action Plan Account Number CF 5698-428803006.

BACKGROUND:

City Council at its meeting held 1998 March 10 approved the Tenth Annual Public Service Announcement Competition at a total cost of $2,500 to be funded from the Downtown Action Plan, Phase IV.

In co-operation with Mohawk College's Media Studies Department, the Keep Hamilton Clean Committee and ON-TV, the City of Hamilton has been holding an Annual Public Service Announcement Competition for the students of the Media Studies Program. The theme for the Public Service Announcement is to keep Hamilton clean. Previous years winning submissions have been aired free of charge on ON-TV on a regular basis. A strong partnership between the City of Hamilton, Mohawk College, ONtv and the Keep Hamilton Clean Committee has proven a successful tool in providing the public with the message to keep our city clean.

DL:HM:hm
P&DPSA10th

c.c. K. Wallis, Mohawk College, Media Studies Department
D. Heintz, Public Works and Traffic Department

D i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: 948 Burlington Street East -
Removal of tires and debris pursuant to The Municipal Act
(98.2.4.1.1.A, 98.4.11)

RECOMMENDATION:

(a) That the Building Commissioner be authorized to obtain three (3) quotes and subsequently proceed to have the property located at 948 Burlington Street East, cleared of old tires and debris to bring the subject property into compliance with City of Hamilton By-Law 84-35 and as authorized under The Municipal Act, Subsection 325, and specifically to do the work required to comply with the Order; and,

(b) That the costs incurred for the removal of the tires and debris, together with administrative costs be added to the tax roll; and,

(c) That the attached by-law to authorize the removal of the tires and debris be enacted by Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The property presently has significant tax arrears of approximately $200,000 and due to non payment of taxes will in all probability go to tax sale at some future date. The cost of removal of the tires will be approximately $6,000, which together with administrative costs, will be collected in a like manner as municipal taxes. Due to the ownership situation on this property and the significant tax arrears on this property, it is unlikely the City will immediately recover its costs in this manner. In accordance with Council policy in dealing with uncollectible taxes on tax sale properties where there are no bids received and the property vests with the City, the City's share of the taxes and other additional costs would be financed from the Reserve.

.../2

BACKGROUND:

This property is a former Used Tire Store and is no longer operating as such and a large number of used tires have been left abandoned on the site.

The Building Department received a complaint in 1997 December and attended at the site and found approximately three to four thousands tires on the site, together with other debris. An order to Comply was issued pursuant to City of Hamilton By-law 84-35 to the owner of this property.

Due to non-compliance with the Order, an information was laid before the courts on 1998 March 4 against the owner of the property for failing to keep the premises free and clear of all garbage, refuse or domestic or industrial waste of any kind. Service against the owner of this property could not be gained because the officers of the corporation reside out of the country and therefore the charge had to be withdrawn.

A letter was subsequently sent to the Ministry of the Environment on 1998 May 8 requesting assistance for any action that they could provide in dealing with the numerous tires. On 1998 May 29 a response was received from the Ministry of the Environment advising that they were unable to take any action regarding this property as the number of tires was at or below the criteria of 5,000 at which they would become involved.

Information received from the Fire Prevention Bureau indicated that their Department would have to obtain a conviction in court against the property owners in order to obtain a court order from a higher Court. They would then encounter the same difficulties in gaining service against the corporation. In order to avoid duplication of effort, the Building Department continued with their enforcement.

It is clear that in spite of these ongoing attempts to obtain compliance, there is no indication that the owner has any intention to do so.

City of Hamilton By-Law 90-345 to amend By-Law 84-35 provides that the Building Commissioner is authorized to give immediate effect to any order issued pursuant to this By-Law and the cost of doing the work to comply with the order does not exceed $2,000. However, the cost of the removal of the tires and clearing of debris on this property will be approximately $6,000.

In view of the foregoing, this recommendation is presented to enforce the Order to secure the health, welfare, and safety of the inhabitants of the area.

LCK/JAS/sb

c.c. Mr. Allan C. Ross, Treasurer
Ms. P. Noé Johnson, City Solicitor

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98-

TO AUTHORIZE:

CLEARING OF THE PREMISES
LOCATED AT 938-948 BURLINGTON STREET EAST
OF DOMESTIC AND INDUSTRIAL WASTE INCLUDING USED TIRES

WHEREAS by Notice dated January 6th, 1998 to the owner of the land located at municipal number 938-948 Burlington Street East, clearing of the land of all domestic and industrial waste was required;

AND WHEREAS the land has not yet been cleared of the domestic or industrial waste;

AND WHEREAS pursuant to Section 9(1) of By-Law 84-35 where the owner, lessee or occupant is in default of doing the matter or thing required to be done, namely remove garbage, refuse or domestic or industrial waste, the Building Commissioner may cause the work to be done in accordance with Section 9(3) of By-law 84-35, the City shall recover the expenses incurred in the doing of the work in a like manner as municipal taxes.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Building Commissioner is hereby authorized and directed to cause the removal and disposal of all domestic and industrial waste as he determines from the land municipally known as 938-948 Burlington Street East in accordance with Section 9(1) of By-Law 84-35.

2. It is hereby authorized and directed that the expense of removing all domestic and industrial waste referred to in section 1 shall be added to the collector's roll and shall be collected in a like manner as municipal taxes.

PASSED this day of A.D. 1998

CITY CLERK MAYOR

D ii)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 1 1998

DATE: 1998 May 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
250 Fairfield Avenue North (98.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and seventy nine dollars ($1,979) be approved for Raymond Young, 250 Fairfield Avenue North. The interest rate will be 2 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Raymond Young, 250 Fairfield Avenue North, in the amount of $1,979. The roof has been repaired, and the Department recommends approval in the amount of $1,979 at 2% interest and amortized over five (5) years.

LCK/MM/dk

c.c. R. Camani, Treasury

D iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
555 SANATORIUM ROAD - Section H-32 - Tag Number 98-103766
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 555 SANATORIUM ROAD, Building 32 in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	AA/S-1363
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Vacant Land
BRIEF DESCRIPTION:	Owner wishes to demolish the existing single family dwelling and proposes to leave the land vacant at this time. The "AA" Zoning District has been amended to permit specific types of uses as set out in By-Law 96-152. This property is located in the "WESTCLIFFE WEST" Neighbourhood (please see attached neighbourhood map) and is located in Ward 8. No LACAC interest.

The owner of the property and applicant as per the demolition permit is:

Chedoke Hospital Services Corp.
273 Barton Street East
Hamilton, Ontario L8L 2X2

FP/zr

SUBJECT DWELLING
555 SANATORIUM RD BLDG 32.



Div)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
555 SANATORIUM ROAD - Section H-33 - Tag Number 98-103762
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 555 SANATORIUM ROAD, Building 33 in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA/S-1363

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: Owner wishes to demolish the existing single family dwelling and proposes to leave the land vacant at this time. The "AA" Zoning District has been amended to permit specific types of uses as set out in By-Law 96-152. This property is located in the "WESTCLIFFE WEST" Neighbourhood (please see attached neighbourhood map) and is located in Ward 8. No LACAC interest.

The owner of the property and applicant as per the demolition permit is:

Chedoke Hospital Services Corp.
273 Barton Street East
Hamilton, Ontario L8L 2X2

FP/zr

SUBJECT DWELLING
555 SANATORIUM RD BLDG. 33

D v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
111 HUGHSON STREET SOUTH - Tag Number 98-105238
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for the building located at 111 Hughson Street South in accordance with the Demolition Control By-Law 75-290 pursuant to the demolition contol provisions of the Planning Act (Section 33); subject to the following conditions:

(i) That the applicant has applied for and received a Site Plan Agreement with the Planning and Development Department; and,

(ii) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), the Site Plan Agreement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: I

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: The owner proposes to demolish the existing 1-1/2 storey single family dwelling and use the property as a parking lot for an existing office building located at 117 Hughson Street South. This property is located in the "CORKTOWN" Neighbourhood (please see attached neighbourhood map) and is located in Ward 2. No LACAC interest. Lot size 32.75' x 70.33'.

.../2

The owner of the property and applicant as per the demolition permit is:

Mr. James Turnbull
119 Hughson Street South
Hamilton, Ontario L8N 1G7

FP/zr


SUBJECT PROPERTY
111 HUGHSON ST. S.
MAIN STREET EAST
JACKSON STREET
HUNTER STREET
JAMES STREET SOUTH
HUGHSON STREET SOUTH
JOHN STREET SOUTH
CATHARINE STREET SOUTH
WALNUT STREET SOUTH
BOWEN ST
FERGUSON AVE S
BAILLIE ST
LIBERTY STREET
SPRING STREET
GROVE STREET
MACNAB STREET SOUTH
BOLD STREET
DUKE STREET
ROBINSON ST
CHARLTON AVE W
HERKIMER ST
MARKLAND ST
YOUNG STREET
FOREST AVENUE
CHARLTON AVENUE
EAST AVENUE
AVENUE
ARKLEDUN AVENUE
ST JOSEPH'S DRIVE
CLAREMONT DRIVE
MOUNTAIN AVENUE
HOCKWOOD AVENUE
QUISA AVE
KINGSWAY DRIVE
FOSTER ST
AURORA STREET
JOLLEY
CONCESSION
ACCESS
PRINCE
SITE PLAN CONTROL BY-LAW No. 89-222
SITE PLAN CONTROL BY-LAW 87-204
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J/S-409a
J/S-409b
E/S-267
E/S-136
E/S-1078a
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Dvi)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
448 Barton Street East (98.2.4.2.1.A, 98.2.14)

RECOMMENDATION:

(a) (i) That a loan increase of twenty-five thousand dollars ($25,000) to Benny and Debra Bombardieri for improvements to 448 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $50,000. The interest rate is set at 3.25 per cent, amortized over ten years; and,

(ii) That an increase in grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan increase from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Benny and Debra Bombardieri, for improvements to 448 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total unsecured loan is now $10,000. The interest rate is set at 3.25 per cent, amortized over 10 years; and,

(ii) That a increase in grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

1. City Council at their meeting held 1996 October 8 approved a loan application under the subject program in the amount of $25,000. Subsequently, the applicant has met the criteria for additional work costing $25,000. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a maximum loan of $50,000. Grant portion $25,000. Security: Promissory note and collateral mortgage on 191 Country Club Drive, Hamilton for the loan increase of $25,000. The original loan of $25,000 was secured by a promissory note and lien on 448 Barton Street East. The revised monthly payments will now be $483.82.

2. City Council at their meeting held 1996 October 8 approved an unsecured loan application under the subject program in the amount of $5,000. Subsequently, the applicant has met the criteria for additional work costing $5,000. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a maximum unsecured loan of $10,000, grant portion $5,000. Security: Promissory Note only. The revised monthly payments will now be $150.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

E.1)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 May 20
(CDM-CONV-98-003)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Proposed Draft Plan of Condominium by 822938 Ontario Inc., In trust (Bruno Megna) - 75 Glenburn Court, Riverdale West Neighbourhood

RECOMMENDATIONS:

a) That approval be granted to application CDM-CONV-98-003 submitted by 822938 Ontario Inc., In trust (Bruno Megna), owner, for a draft plan of condominium for property located at No. 75 Glenburn Court, as shown on the attached map marked as APPENDIX "A", to provide for a condominium comprised of 108 individual apartment condominium units, subject to the following conditions:

i) That this approval applies to the attached draft plan dated March 16, 1998 (APPENDIX "B") prepared by Consoli & Jacobs Surveying Ltd.;

ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

iii) That prior to approval of the final plan,

aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and

bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-97-005);

v) That the owner shall have satisfied the following conditions of Committee of Adjustment decision A-97:183:

aa) The provision of a 1.32m (4.33') planting strip along the westerly lot line of the parking area; and,

bb) the provision and maintenance of a chain link fence at least 5' in height along the full length of the easterly property line (ravine edge).

vi) That the owner, 822938 Ontario Inc., enter into an Encroachment Agreement with the City of Hamilton, to the satisfaction of the Roads Department;

vii) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

viii) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,

c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

822938 Ontario Inc., In trust (Bruno Megna), Hamilton, Ontario

Surveyor -

Consoli & Jacobs Surveying Ltd., Hamilton, Ontario

Location -

The lands known municipally as No. 75 Glenburn Court, comprising 3.84 acres, are located at north of Queenston Road and west of the Stoney Creek Ravine and Lake Avenue, in the Riverdale West Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert the existing rental apartment complex containing 108 units to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Urban" on Map 1 - the Regional Development Pattern. The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

Neighbourhood Plan - The lands are designated "High Density Housing" according to the Riverdale West Neighbourhood Plan. The proposal complies.

City of Hamilton Zoning By-law - The lands are zoned "DE-2/S-91" (Multiple Dwellings) District. The proposal complies with the "DE-2" District provisions.

Site Plan Control - The lands are under Site Plan Control By-law No. 79-275, as amended by By-law No. 90-285.

Rental Housing Protection Act - Application CD-97-005 was approved by Council on February 24, 1998 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

- Traffic Division, Public Works and Traffic Department
- Regional Environment Department (Planning Division)
- Region of Hamilton Wentworth Treasury Management Department
- Hamilton Region Conversation Authority

- Ontario Hydro

The Building Department has submitted the following comments:

"1. The location of the apartment building conforms.

2. 108 dwelling units and 130 parking spaces provided as per Committee of Adjustment decision A-97:183

3. A 1.32m (4.33') planting strip must be provided along the westerly lot line of the parking area as per Committee of Adjustment decisions A-97:183.

4. A chain link fence at least 5' in height must be provided and maintained along the full length of the easterly property line (ravine edge) as per Committee of Adjustment A-97:183."

The Regional Environment Department, Development Division has submitted the following comments:

"INFORMATION:

1. Storm and sanitary sewers are available to service this site directly.

2. There is a municipal watermain of sufficient size and capacity adjacent to this development to service this site directly.

3. According to plans submitted by the applicant there is an existing chain link fence within the Glenburn Court road allowance. The fence encroachment is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant/owner.

4. There are no road widenings required for this development.

RECOMMENDATIONS:

1. That the owner, 822938 Ontario Inc., enter into an encroachment agreement with the City of Hamilton, to the satisfaction of the Roads Department."

COMMENTS:

The applicant wishes to convert 108 existing rental apartment units to 108 condominium apartment units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

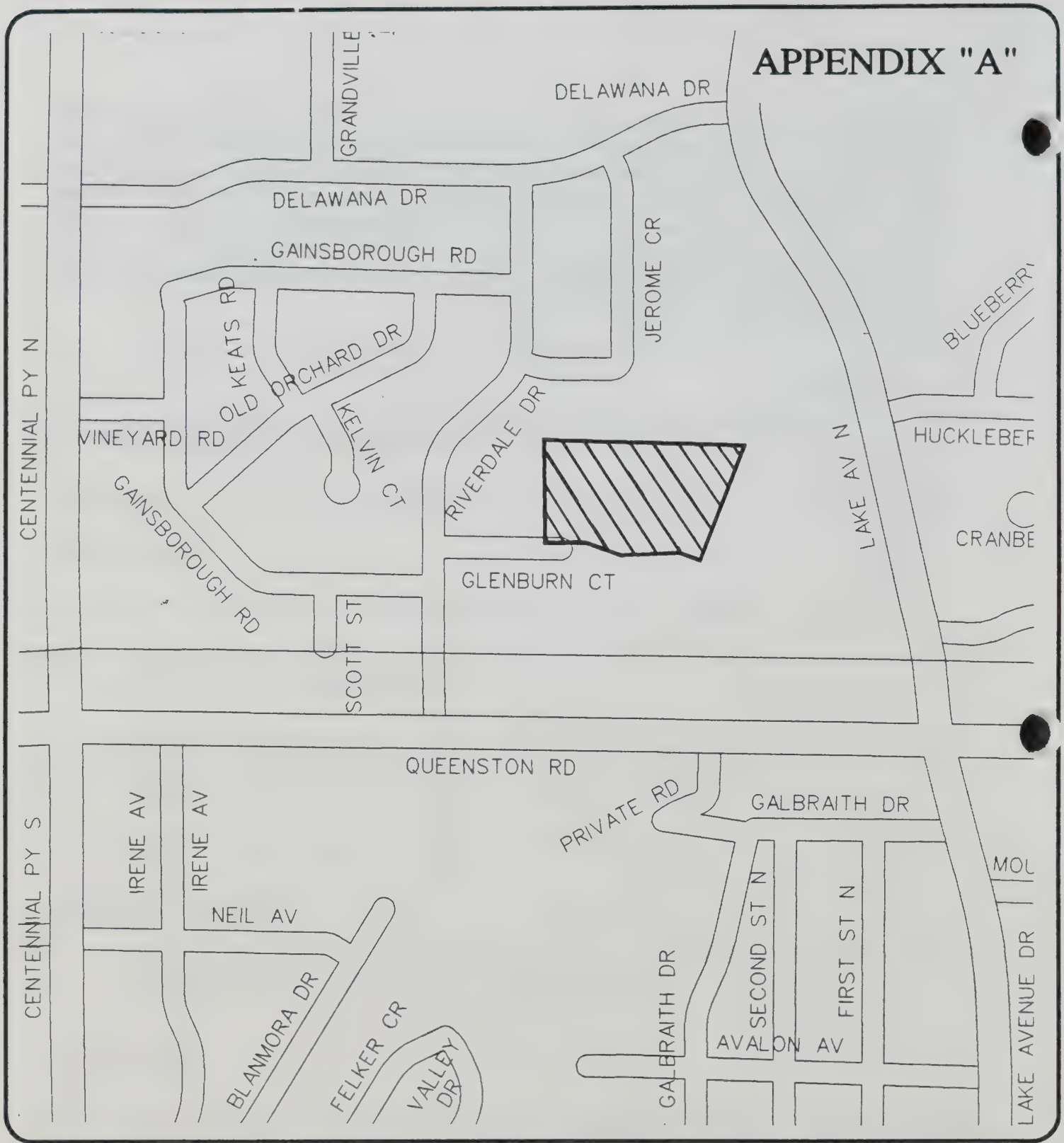
On February 24, 1998, Council approved application CD-97-005 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

CONCLUSION:

Based on the above, the draft plan of condominium should be approved, subject to the conditions outlined.

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City of Hamilton

Key Map

CDM-CONV-98-003

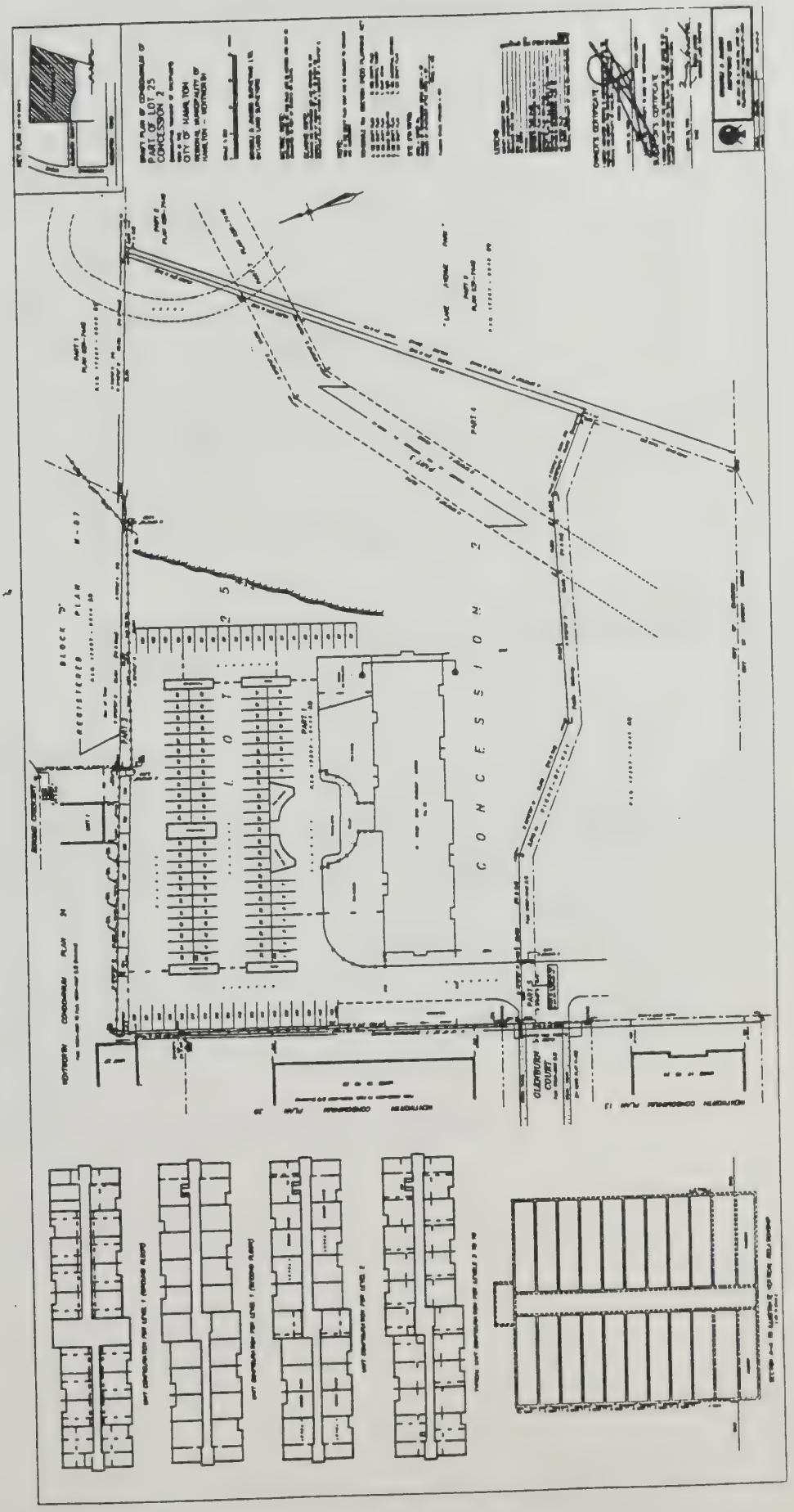
Planning and Development Department

Legend

75 Glenburn Court

North	Scale	Reference File No.
	NOT TO SCALE	CDM-CONV-98-003
	Date	Drawn By
	April 1998	B.B.

APPENDIX "B"


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E ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 9
CI-96-D

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor Abraham, M.C.I.P., R.P.P.
Director, Planning and Development

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Ontario Municipal Board Decision - Third Party/Billboard Sign By-law

RECOMMENDATION:

That staff of the Planning and Development Department and the Building Department be directed to establish a "working committee" with representation from the third party/billboard sign industry, to address matters related to third party/billboard signs.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

City Council, on 1996 May 14, passed By-law No. 96-092, which is a general text amendment to regulate third party/billboard signs in the City. The by-law was subsequently appealed to the Ontario Municipal Board (OMB) by Gould Outdoor Advertising. A hearing on this matter was held for a four day period in March, 1997.

The OMB issued its order on this matter on 1997 August 8. The appeal was allowed in part, only as it effected the following:

- add the word "radial" where regulating the minimum separation distance of 100 m between each third party/billboard sign to clarify the intent;

- reduce the separation distance from a residential district from 36 m to 30 m. The Board was of the opinion this is less onerous and consistent with planning staff's recommendation in their technical report; and,

- increase the maximum height of third party/billboard signs from 7.6 m to 10 m to reflect the products on the market.

In its decision, the Board noted:

> "However, the Board expresses the view further, comprehensive study of the issues should be undertaken by the municipality, with full and complete consultation involving all interested parties, including the Appellant and the Signs Association. The matter of non-conforming signs and the possibility of incorporating an existing uses clause should be explored. This is recommended given that, according to the City, the signage on the Copps Arena and the Zucker Art Gallery are rendered non-conforming under the by-law. Also, the roof top sign issue, which Ms. Floroff suggested could benefit from additional analysis, should be placed in that planning program.
>
> The recommendations adopted by Council at the meeting held on May 14, 1996 contained a direction to staff to monitor the by-law for one year and to report back to the Planning and Development Committee. The disposition of the by-law should now create the impetus to establish a joint City-sign industry committee to review the matters in greater detail, in a collaborative manner..."

Based on the Board's decision, a joint City-sign industry "working committee" could be established, similar to the committee formed to address issues regarding mobile signs. Such a working committee could include staff from the Planning and Development Department, and Building Department, as well as representatives from the third party/billboard sign industry.

In accordance with the OMB decision, the working committee could initially address the following matters:

- monitoring;
- non-conforming signs and the possibility of incorporating an existing uses clause;
- roof top signs; and,
- ground signs.

CONCLUSION:

Based on the foregoing, staff of the Planning and Development Department and the Building Department should be directed to establish a working committee, similar to the Mobile Sign Working Committee, to address matters related to third party/billboard signs.

CLF
CI-96-D/billboard by-law implementation

(iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1998 June 8 (CI 83-B)
REPORT TO:	Ms. Tina Agnello, Secretary Planning and Development Committee
FROM:	V. J. Abraham, M.C.I.P., R.P.P. Director of Planning and Development J.G. Pavelka, P.Eng., Chief Administrative Officer
SUBJECT:	Tariffs of Planning Fees By-law

RECOMMENDATIONS:

a) That By-law No. 97-084 - Tariff of Planning Fees be amended on the following basis:

i) That Section 1.(5)(i) of By-law No. 97-084 be amended by deleting the words *"where the Regional Municipality of Hamilton-Wentworth approves the plan"*; and,

ii) That Section 1.(5)(ii) of by-law No. 97-084 be amended by deleting the words *"for a building being converted to a condominium, to be approved by the City of Hamilton"* and replaced with *"for an existing residential rental building"*; and,

iii) That Section 2. of By-law No. 97-084 be repealed in its entirety.

b) That the City Solicitor be directed to amend By-law No. 97-084 in accordance with a) above.

V. Abraham J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

BACKGROUND:

The existing fees by-law establishes fees for a variety of planning applications, in particular, the fees for Plan of Condominiums are broken down into two separate fees:

- newly constructed buildings, where the Region approves the Plan ($570);
- building being converted to a condominium to be approved by the City of Hamilton ($1,015 plus 20 a units to maximum of 400 units) and $250 phase 2 fee.

With the repeal of the RHPA, the Region will assume the responsibility for all condo conversions. The fees by-law should be amended:

- to delete the fee for RHPA applications since the legislation no longer exists;
- to remove the reference to the approval authority since the Region will be the only approval authority at the present time; and,
- to continue to differentiate the fees by type of condominium conversion (i.e. new and old buildings).

CONCLUSION:

Based on the above, changes to the fees by-law should be approved to reflect the changes in the approval authority for plans of condominium and to remove Rental housing Protection Act application fees.

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CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 8
S720-38 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director of Planning and Development

SUBJECT: **"Timothy Survey - Phase 2", Hamilton**
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $ 27,500.00 as a cash payment in lieu of the 5% land dedication in connection with "Timothy Survey - Phase 2", Hamilton being the cash payment required under Section 51.1 of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

1998 June 8

"Timothy Survey - Phase 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

BACKGROUND:

The owner of Timothy Survey - Phase 2 (1036210 Ontario Ltd.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

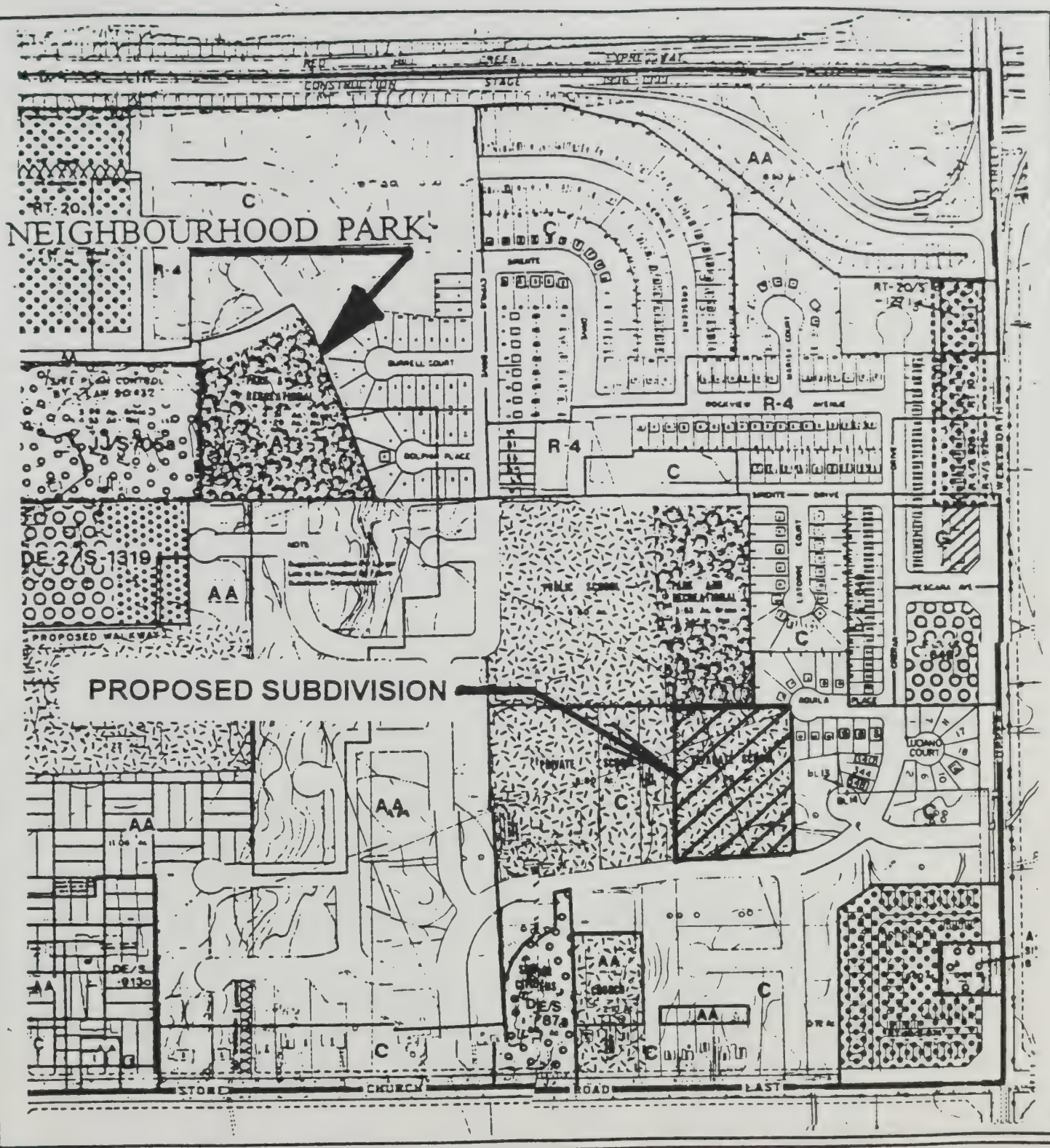
In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 27,500.00.

The lands of Timothy Survey - Phase 2 are located west of Upper Wentworth Street north of Stone Church Road East in the Crerar Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

/ps
cc: D. Cobb, City Treasury
cc: M. Watson, City Real Estate Department

A:\P&D2\98-06-08\disc



LEGEND

Subject Lands

KEY PLAN

"Timothy Survey - Phase 2"

NORTH

CITY OF HAMILTON
CRERAR

DATE
April 27, 1998

FILE No.
S720-38

Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division

E v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 16
(PLC-98-03)
Mountview Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
for "Tiffany, Phase 1" Subdivision

RECOMMENDATION:

a) That approval be given to Part Lot Control Application 98-03, **Chedoke Health Corporation, owner**, to remove part-lot control for Lots 36 to 56, inclusive, located in "Tiffany, Phase 1", Registered Plan 62M-846, to permit the creation of maintenance easements, as shown on the attached map marked as APPENDIX "A";

b) That the attached by-law, marked as APPENDIX "B", to remove part lot control from Lots 36 to 56, inclusive Registered Plan 62M-846, "Tiffany, Phase 1" plan of subdivision, be enacted by Council;

c) That the exempting by-law be restricted to a 1 year effective time period to expire on July 1, 1999;

d) That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

V.J. Abraham

J. D. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 15
(PLC-98-03)
Mountview Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
for "Tiffany, Phase 1" Subdivision

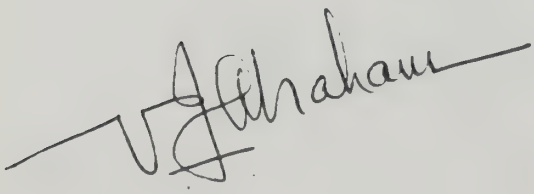
RECOMMENDATION:

a) That approval be given to Part Lot Control Application 98-03, **Chedoke Health Corporation, owner**, to remove part-lot control for Lots 36 to 56, inclusive, located in "Tiffany, Phase 1", Registered Plan 62M-846, to permit the creation of maintenance easements, as shown on the attached map marked as APPENDIX "A";

b) That the attached by-law, marked as APPENDIX "B", to remove part lot control from Lots 36 to 56, inclusive Registered Plan 62M-846, "Tiffany, Phase 1" plan of subdivision, be enacted by Council;

c) That the exempting by-law be restricted to a 1 year effective time period to expire on July 1, 1999;

e) That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for removal of part lot control is to permit the establishment of maintenance easements in accordance with the approved plan of subdivision "Tiffany, Phase 1" (see Appendix "C"). The maintenance easements are required to construct zero-lot line single family dwellings in accordance with the requirements of the Subdivision Agreement and City of Hamilton Zoning By-law No. 6593.

Location

The lands are located north of Redfern Avenue, west of Sanatorium Road and south of San Pedro Drive in the Mountview Neighbourhood.

CIRCULATION COMMENTS:

- The Traffic Division, Department of Public Works and Traffic and Building Department have no comment with respect to the application.

- The Regional Environment Division advised:

  "It is our understanding that the owner has made the application to remove Part Lot Control over Lots 36 to 56, inclusive, for the establishment of the maintenance easements as required under the zoning by-law for the City of Hamilton.

  For the information of the Committee, the applicant/owner has entered into a Subdivision Agreement with the City of Hamilton, which resulted in the registration of the final plan."

COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period.

2. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC98-03.rpt

COMPILED PLAN OF
PART OF LOTS 37 TO 50 (INCLUSIVE)
AND PART OF LOTS 52,53,54,55 & 56
REGISTERED PLAN 62M-
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:750
0 10 20 30 40 metres

B. J. CLARKE O.L.S.
1997

SCHEDULE				PERPENDICULAR WIDTH
PART	LOT	PLAN	PIN	
1	37	62M-	PART OF 17036-	1.2 m
2	38			1.2 m
3	39			1.2 m
4	40			1.2 m
5	41			1.2 m
6	42			1.2 m
7	43			1.2 m
8	44			1.2 m
9	45			1.2 m

SCHEDULE				PERPENDICULAR WIDTH
PART	LOT	PLAN	PIN	
10	46	62M-	PART OF 17036-	1.2 m
11	47			1.2 m
12	48			1.2 m
13	49			1.2 m
14	50			1.2 m
15	52			1.2 m
16	53			1.2 m
17	54			1.2 m
18	55			1.2 m
19	56			1.2 m

PLAN 62R-
RECEIVED AND DEPOSITED

DATE — LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

SEPTEMBER 15, 1997 — GEORGE VINOUCEK
DATE

REGISTERED PLAN No. 1581

100 101 102 103 104 105

1 2 3 4 5 6 7 8 9 10 11 12 13 14

HILBURN CRESCENT

BLOCK 59
(0.30 RESERVE)

PLAN 62M-

35 34 33 32 31 30 29 28 27 26 25 24 23

PIN 17036-

36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

PART 1 PART 2 PART 3 PART 4 PART 5 PART 6 PART 7 PART 8 PART 9 PART 10 PART 11 PART 12 PART 13 PART 14

LOT LINE 7.50 1.2

HILLCREST STREET

C.M. COURT

52 51 20 1

PIN 17036-

51

PART 15 PART 16 PART 17 PART 18 PART 19

KINDERA

PIN 17036-

BLOCK 60
(0.30 RESERVE)

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Remove
Land within the "Tiffany, Phase 1" Subdivision, Plan 62M-846
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

APPENDIX "B"

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

   Lots 36 to 56, inclusive, within Registered Plan Number 62M-846, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

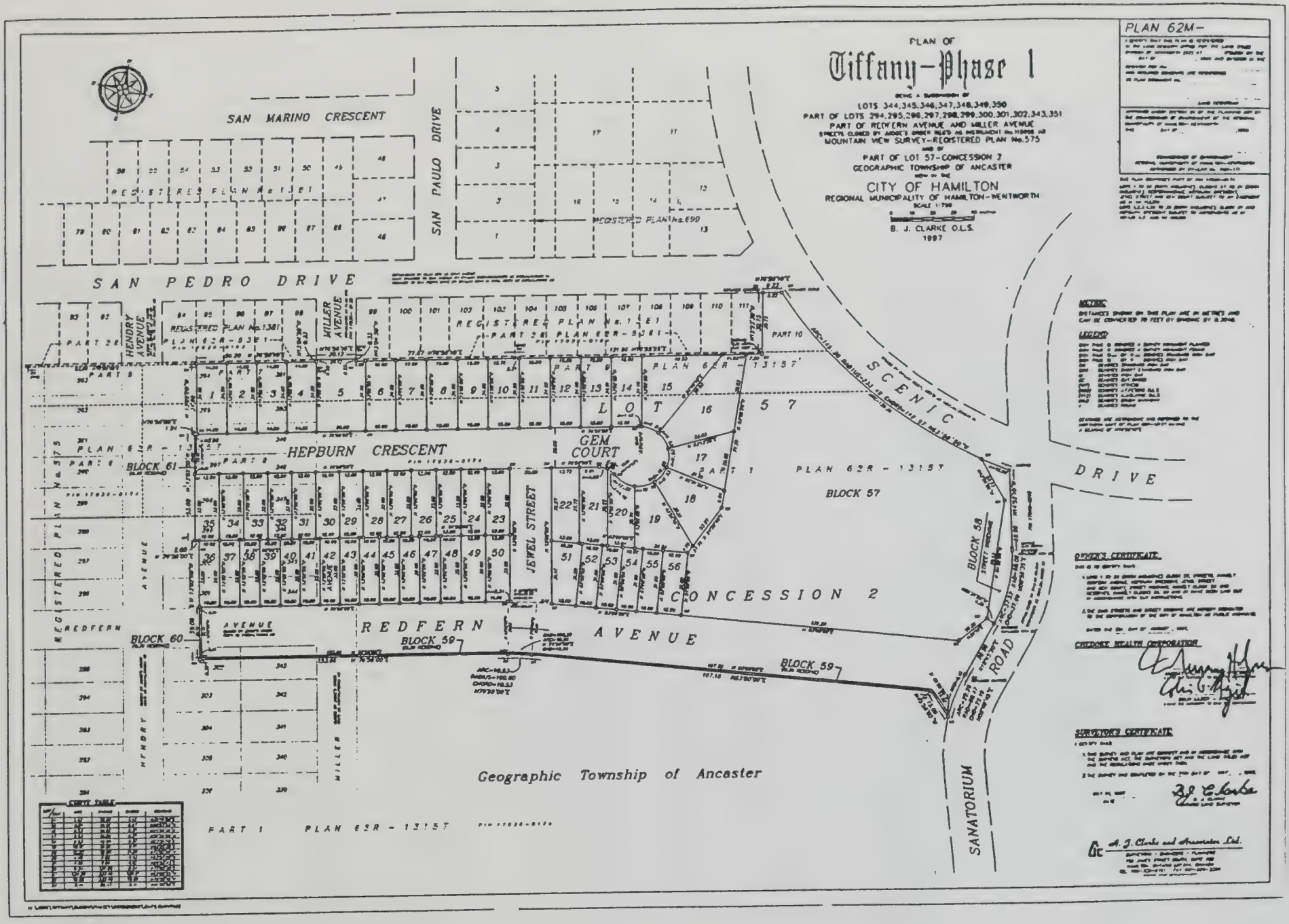
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on July 1, 1999.

PASSED this day of A.D. 1998.

City Clerk Mayor


PLAN OF
Tiffany-Phase 1
BEING A SUBDIVISION OF
LOTS 344,345,346,347,348,349,350
PART OF LOTS 294,295,296,297,298,299,300,301,302,343,351
PART OF REDFERN AVENUE AND MILLER AVENUE
STREETS CLOSED BY ABBEY'S ORDER FILED AS INSTRUMENT No. HM66 AD
MOUNTAIN VIEW SURVEY-REGISTERED PLAN No.575
AND OF
PART OF LOT 57-CONCESSION 2
GEOGRAPHIC TOWNSHIP OF ANCASTER
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:750
B. J. CLARKE O.L.S.
1997
PLAN 62M-
SAN MARINO CRESCENT
SAN PAULO DRIVE
SAN PEDRO DRIVE
REGISTERED PLAN No.1381
REGISTERED PLAN No.690
REGISTERED PLAN No.575
HENDRY AVENUE
MILLER AVENUE
HEPBURN CRESCENT
GEM COURT
JEWEL STREET
REDFERN AVENUE
SCENIC DRIVE
SANATORIUM ROAD
CONCESSION 2
BLOCK 57
BLOCK 58
BLOCK 59
BLOCK 60
BLOCK 61
LOT 57
PART 1 PLAN 62R-13157
PART 10 PLAN 62R-13157
Geographic Township of Ancaster
LEGEND
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
A. J. Clarke and Associates Ltd.

APPENDIX "C"

Evi)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 15
ZAC-98-08
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Amended Resolution - 41 and 51 Wilson Street and 99 John Street North

RECOMMENDATION:

That Section 1 of the Ninth Report of 1998 of the Planning and Development Committee, as approved by Council on 12 May 1998, be amended as follows:

(i) Section 1(a)(ii)(3) be deleted and replaced with the following:

"That notwithstanding Section 10F(6), a minimum lot area of 130.5 m^2 and a minimum lot width of 5.8 m shall be provided and maintained for each single family dwelling unit; and,"

(ii) Section 1(a)(ii)(5) be deleted and replaced with the following:

"That notwithstanding Section 18(3)(vi)(e), the uncovered front porch may extend 1.4 m above the floor level of the first storey."

(iii) add a new Section 1(a)(ii)(6) to read as follows:

"notwithstanding Section 10F(4)(a),(b) and (c), a minimum 5.3 m front yard and rear yard shall be provided and maintained for every ~~cantilevered~~ portion of the building within a bay, alcove and fourth storey."

V. J. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is proposing to develop the subject lands for nine (9) street townhouses.

- Planning and Development Committee Meeting - 6 May 1998

  City Council, at its meeting of 12 May 1998, adopted the Ninth Report of the Planning and Development Committee, approving a recommendation in support of the above-noted proposal. Subsequently, upon more detailed review of the proposal in preparation of the draft by-law, the Building Department identified three minor refinements, including:

  - the proposed minimum lot area should be 130.5 m^2, not 124.0 m^2, and the proposed minimumm lot width should be 5.8 m, instead of 5.6 m;

  - the proposed encroachment of the uncovered front porch should be 1.4 m above the floor level of the first storey, instead of allowing the encroachment without a specific height; and,

  - a new clause is required for the proposed minimum 5.3 m front and rear yard depth for every cantilevered portion of the building within a bay, alcove and fourth storey.

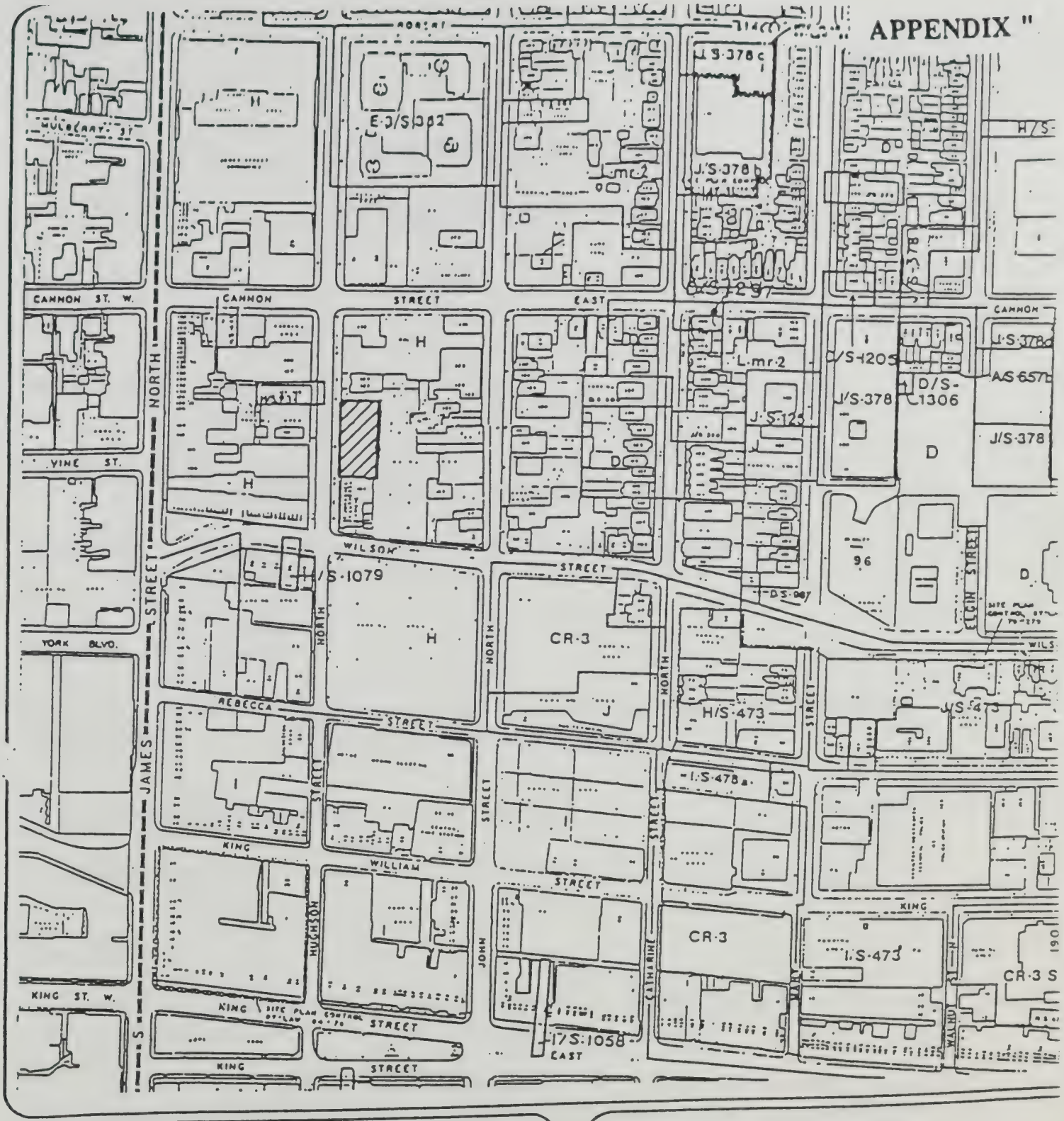
  Given the nature of the refinements, it is appropriate to amend Council's resolution of 12 May 1998.

CONCLUSION:

Based on the foregoing, an amended resolution can be supported.

CLP
ZAC-98-08

APPENDIX "



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference Fil
	NOT TO SCALE	ZAC-98-0
	Date	Drawn By
	FEBRUARY, 1998	D.L.

F i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 12

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: McMaster University, Intention to Designate Property
1280 Main Street West

RECOMMENDATION:

That City Council refer the heritage designation of 1280 Main Street West (Historic core of McMaster University) to the Conservation Review Board.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staffing and associated costs will be required for the hearing.

BACKGROUND:

At City Council's meeting of 1998 March 31, Item 9 of the SIXTH Report of the Planning and Development Committee was approved as follows:

9. (a) That approval be given to the Intent to Designate the historic core of McMaster University at 1280 Main Street West, specifically, University Hall, Hamilton Hall, the Refectory, Wallingford Hall, Edwards Hall and the Alumni Memorial Building and the landscaped open space extending north-south from the ravine edge to Scholar's Road and east-west from Edwards Hall to Wallingford Hall, as a property of historical and architectural value, as outlined in the Reasons for Designation attached hereto and marked Appendix "I",pursuant to the provisions of the Ontario Heritage Act, 1997, Part IV; and,

(b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1997.

As an objection to the proposed designation has been received s. 29(7) of the Ontario Heritage Act, R.S.O. 1990 requires that Council shall refer the matter to the Review Board for a hearing and report.

McMaster University: Historic Core (University Hall, Hamilton Hall, Wallingford Hall, Edwards Hall, the Refectory and the Alumni Memorial Building)

REASONS FOR DESIGNATION

CONTEXT (Present Setting and History of the Site)

The historic core of the main campus of the present–day McMaster University comprises a cluster of five Collegiate Gothic brick and stone buildings opened in 1930 (University Hall, Hamilton Hall, the Refectory, Wallingford Hall, Edwards Hall and the Alumni Memorial Building, built 20 years later in a similar style. Placed informally in partially enclosed quadrangle configurations, these stylistically unified buildings loosely follow the irregular edge of the heavily wooded ravine area forming the northern boundary of the campus. Though not part of the original complex, the modestly scaled Alumni Memorial Building fits unobtrusively into its setting, standing on a triangular pocket of sloping land bounded by the ravine to the west, University Hall and Hamilton Hall to the south, and Edwards Hall to the east. The open space between the buildings and bordering the ravine is landscaped with grass, trees and a network of footpaths. With the exception of the greenhouse added in the late 1960s, the historic core has essentially retained its original character, notably, the harmonious relationship between the buildings and landscape.

The planners for the original Hamilton campus of McMaster University envisaged a seat of higher learning set in parklike surroundings. This concept was developed as part of a larger beautification scheme spearheaded by Thomas B. McQuesten, an influential member of the City's Board of Parks Management. Largely implemented between 1927 and 1932, this scheme also encompassed a wildlife sanctuary around Cootes Paradise, nature trails, a rock garden and other landscaped areas which together make up the present–day Royal Botanical Gardens, as well as a grand north–western entrance to Hamilton with a monumental high level bridge over the Desjardins Canal.

The original landscaping plan for the McMaster campus was prepared by Dunnington–Grubb, one of Ontario's foremost landscape gardening and design firms. As recommended by Dunnington–Grubb, and endorsed by the Parks Board, the first buildings were carefully sited to take full advantage of the natural setting, described at the time as "one of the most beautiful natural ravines in Canada"*. Only the two large central academic buildings, Hamilton Hall and University Hall, were primarily oriented towards King and Main streets to the south: the latter, with its dominant corner tower, provided a strong visual terminus to University Avenue, once the principal approach to the campus. Plans to beautify the City–owned lands south of the campus included a sunken garden between King and Main (built according to plans prepared by Dunnington–Grubb and removed for the construction of the Health Sciences Complex).

* McMaster University, Hamilton, Ontario", *Construction*, November 1930, p. 373.

HISTORY (Institution and Buildings)

McMaster was founded in 1887 in Toronto as a small Baptist university devoted to arts and theology, named after its founder and first benefactor, Senator William McMaster. A campaign to bring McMaster University to Hamilton, launched by a Citizens' Committee and headed by local businessman William J. Westaway, concluded successfully in 1927. McMaster then accepted the City's offer, which included the donation of a magnificent site just west of the emerging suburb of Westdale; landscaping to be undertaken by its Parks Board (both on the campus and the adjacent lands south of King Street) and a gift of $500,000 from the citizens of Hamilton to build a science building.

The transplanted McMaster University re–opened in 1930 with Howard P. Whidden as its first chancellor and a combined faculty and student population of about 650. It soon ranked as one of the principal institutions of higher learning in the province, along with the University of Toronto, Queen's University (Kingston) and the University of Western Ontario (London). McMaster retained its Baptist affiliation until becoming a non–denominational institution in 1957.

The original cluster of five buildings, all erected in 1929–30, comprised University Hall (arts and administration building), which included a library and auditorium (Convocation Hall), Hamilton Hall (science building), Edwards Hall (men's residence), Wallingford Hall (women's residence), the Refectory (dining hall and central heating plant). Fund–raising for an ambitious scheme to build a large student recreation centre, that would also serve to honour the 54 students and graduates who lost their lives in the first and second world wars, was begun in 1946. Three years later, when the funds pledged by alumni and undergraduates still fell far short of the total required, it was decided to proceed with a scaled–down version on a different site. Completed in 1951, the Alumni Memorial Building originally housed a cafeteria (the Buttery), men's and women's lounges, a common room (Memorial Hall) and offices for the Alumni Association.

ARCHITECTURE

Designed by the noted Hamilton–born, Toronto–based architect, William Lyon Somerville, in association with J. Francis Brown & Son, the original five buildings rank as very good examples of the Collegiate Gothic style. The architects followed a precedent established for new buildings on other Canadian university campuses, which took their inspiration both from the medieval colleges of Oxford and Cambridge and the late 19th/ early 20th century American campus buildings influenced by this tradition (notably, Princeton University). The McMaster buildings are included in a brief national survey of Collegiate Gothic architecture, along with several earlier Canadian examples: various buildings for Victoria College, and Hart House (1911–24) at the University of Toronto, the College of Agriculture at the University of Saskatchewan (1910–12) and the Science Building at the University of British Columbia (1914–25).* The two main buildings, University Hall and Hamilton Hall, were described by the art historian and McMaster graduate, Robert Hubbard, as "probably the best Gothic group in Canada", after parts of Victoria College and Hart House.** They are distinguished by their stone exteriors: rock–faced ashlar with dressed stone trim and carved ornamentation. The other four buildings are brick masonry with stone trim. All pitched roofs are covered with slate; and the original windows were all leaded glass casement windows.

* Harold Kalman, *A History of Canadian Architecture*, vol. 2 (Oxford University Press: 1994), pp. 706–711

** R.H. Hubbard, "Modern Gothic in Canada", *National Gallery of Canada Bulletin*, vol. 25 (1975), pp. 3, 15.

Inspired by the 15th century Magdalen College at Oxford University and reminiscent of Hart House, University Hall is the most architecturally distinctive of the original McMaster buildings. This three–storey building with a rear wing housing Convocation Hall is notable for its buttressed corner tower with a Tudor archway, crenellated parapet and carved stone finials, its picturesque roofline created by the projecting gabled third–storey windows and chimney stack, its varied fenestration (including some stone tracery, an elaborate two–storey bay window on the tower and an oriel window), and its dignified main entrance. This raised entrance portico features a pointed archway with decorative wrought–iron doors, an ornate carved stone surround and a crenellated parapet bearing the University crest.

University Hall also has the finest interior space: the large auditorium known as Convocation Hall, which was designed in the tradition of English college halls. The main space is divided into seven bays, articulated by Tudor–arched wood trusses sprung from stone corbels (representing the heads of famous scientists and philosophers) to support an oak–panelled ceiling. Rising between the corbels are tall leaded–glass Gothic windows with stone tracery and frames. The rear of the auditorium features a balcony supported by four octagonal columns with a solid paneled oak balustrade and a set of three double wood doors leading to the stair hall. At the front, the Tudor–arched opening of the proscenium focuses attention on the impressive stained–glass Gothic window above the platform: the Bunyan Memorial Window.

The adjacent Hamilton Hall, an L–shaped 3–storey building, is similar in construction and exterior detailing to University Hall but has a somewhat more utilitarian character, in keeping with its original function as a science facility. Notable features include the crenellated parapet of the predominantly flat roof, the very large casement windows on the first and second floors (laboratories and lecture rooms), the carved stone oriel window with its sundial, and the entrance portico with its pointed archway, wrought–iron gates, and stone carvings symbolizing the joint McMaster/Hamilton project and representing the various sciences.

The two residences: Wallingford Hall (for women) and Edwards Hall (for men), though differing in size and layout, are very similar in their exterior treatment. Both have Tudor–arched doorways with cut and carved stone surrounds, casement windows with cut–stone surrounds, and picturesque rooflines with tall gables and chimneys. Wallingford House also features two–storey bay windows and an oriel window over the east entrance (all constructed of stone).

The Refectory, though similar in its massing and materials to the residence buildings, has a more domestic "Arts and Crafts" character, with stone used sparingly for plain capstones and sill courses. It features a prominent steep–pitched roof surmounted by a cupola (over the dining hall), buttressed walls, two open wood porches with steep gable roofs (west and north facades), and two tall bay windows. The spacious dining hall is notable for its impressive open–truss, wood–panelled ceiling with the original hanging globe light fixtures.

Built in 1949–51, the Alumni Memorial Building was sensitively designed by the architects (Bruce Brown and Brisley in collaboration with W.L. Somerville) to complement the style of the original buildings, respect their siting and take full advantage of the ravine–edge setting. Built on a sloping site, this T–shaped 1 1/2 storey brick masonry building has an above grade basement on the west facade, allowing for panoramic views of the ravine from both the main hall and dining room below. In its overall massing and detailing, the Alumni Memorial Building most closely resembles the Refectory and, except for the elaborate front entrance, possesses the same domestic character. The projecting entrance porch, with its Tudor archway, cut–stone surround and recessed Tudor–arched doorway serves as a visual focal point for visitors approaching the building from the long straight pathway from Scholar's Road. The double glazed wood doors lead directly up a small flight of stairs to the impressive main hall with its high wood–panelled truss ceiling and stone fireplace.

DESIGNATED FEATURES

The boundaries of the designated property extend from the west side of Wallingford Hall to the east side of University Hall and Edwards Hall and from Scholars Road to the ravine edge and the north side of Edwards Hall; it also includes Hamilton Hall and the Alumni Memorial Building.

Important to the preservation of this cluster of six buildings are:
– the original architectural materials and features of the facades and roofs of all six buildings, including the stone ashlar and brick masonry walls; cut stone door/ window surrounds, mullions and tracery; stone entrance steps, carved stone ornamentation, wrought–ironwork (notably the entrance doors of University Hall and Hamilton Hall).
– the landscaped open space within the boundaries defined above, including the low stone wall with the Tudor archway linking University Hall and Edwards Hall.

Excluded are:
– the brick masonry entrance and stairwell addition to the south facade of the Refectory, providing access to the basement cafeteria/pub (1964–5).
– the glazed bridge connection to Gilmour Hall on the north facade of the tower of University Hall (1970–71).
– the greenhouse between the Refectory and Hamilton Hall (circa 1968).
– ancillary service and utility structures.

Also important to the preservation of University Hall, the Refectory and the Alumni Memorial Building are the interior spaces identified respectively as Convocation Hall, the Refectory Dining Hall and Memorial Hall and all of their original architectural finishes and features.

F ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 19

REPORT TO: Chairperson and Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: 21 Kendale Court/CD-97-002
- Request from applicant to withdraw the application

RECOMMENDATION:

That the Application for conversion to a condominium of 21 Kendale Court, Hamilton, be lifted from the table and deleted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Attached hereto as appendix "A"please find correspondence from Anthony Dicenzo, agent requesting withdrawal of the application.

DICENZO & ASSOCIATES

APPENDIX "A"

LAWYERS

BY FAX (905) 546-4202
(Original by Arrow Courier)

May 23, 1998

The Corporation of the City of Hamilton
Planning and Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. V.J. Abraham

Dear Sirs:

RE: KENDALE (11-21) INC.
- ***Application under clause 4(1)(b) of the* Rental Housing Protection Act *(the "Act") for conversion to a condominium of***
  21 Kendale Court, Hamilton
  Your file no. CD-97-002

As you are aware, we are the solicitors and agent for Kendale (11-21) Inc. in respect of the above-captioned application.

Further to your letter dated January 14, 1998, please be advised that our client is hereby withdrawing its application in this matter, without prejudice to its right to submit a further application in respect of the subject property at a later date.

Should you have any questions or comments, or require anything further, please do not hesitate to call.

Yours very truly,

DICENZO & ASSOCIATES

per: Anthony G. DiCenzo

AGD/
c. Mr. Roger Shorey, Omnicon (by fax only)
Mr. John Ariens, PEI (by fax only)

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Hamilton Office: 1070 Stone Church Road East, Unit 41, Hamilton Ontario L8W 3K8
Telephone (905) 574-7700 Fax (905) 574-1766
Toronto Office: 112 King Street West Suite 200 Toronto Ontario M5H 1K5
Telephone (416) 598-2958 Fax (416) 598-7458
E-Mail dicenzo@interlog.com

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CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 June 19

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Anthony G. DiCenzo, (on behalf of various parties), re: OPA Public Meeting regarding Affordable Rental Accommodation, dated 1998 May 25

(b) Secretary, LACAC re: Minutes of the meetings held 1998 May 11 and May 15, dated 1998 June 10.

(c) Director, Planning and Development re: Site plans for Approval, dated 1998 June 15.

(d) Building Commissioner re: 99-101 Robert Street, Demolition and Clearing of land as a result of an order to comply under the Building Code, dated 1998 June 11.

(e) Director of Planning and Development re: Entertainment Centres, Progress Report, dated 1998 June 19.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.


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